

191
MANAGEMENT HANDBOOK

FOR
GOVERNMENT OF MONTSERRAT

PREPARED BY
Sir Carlisle Burton

SPONSORED BY
THE BRITISH DEVELOPMENT DIVISION OF THE CARIBBEAN

NOVEMBER, 1984

MONTSERRAT

Printed by Montserrat Printery Ltd. - Montserrat

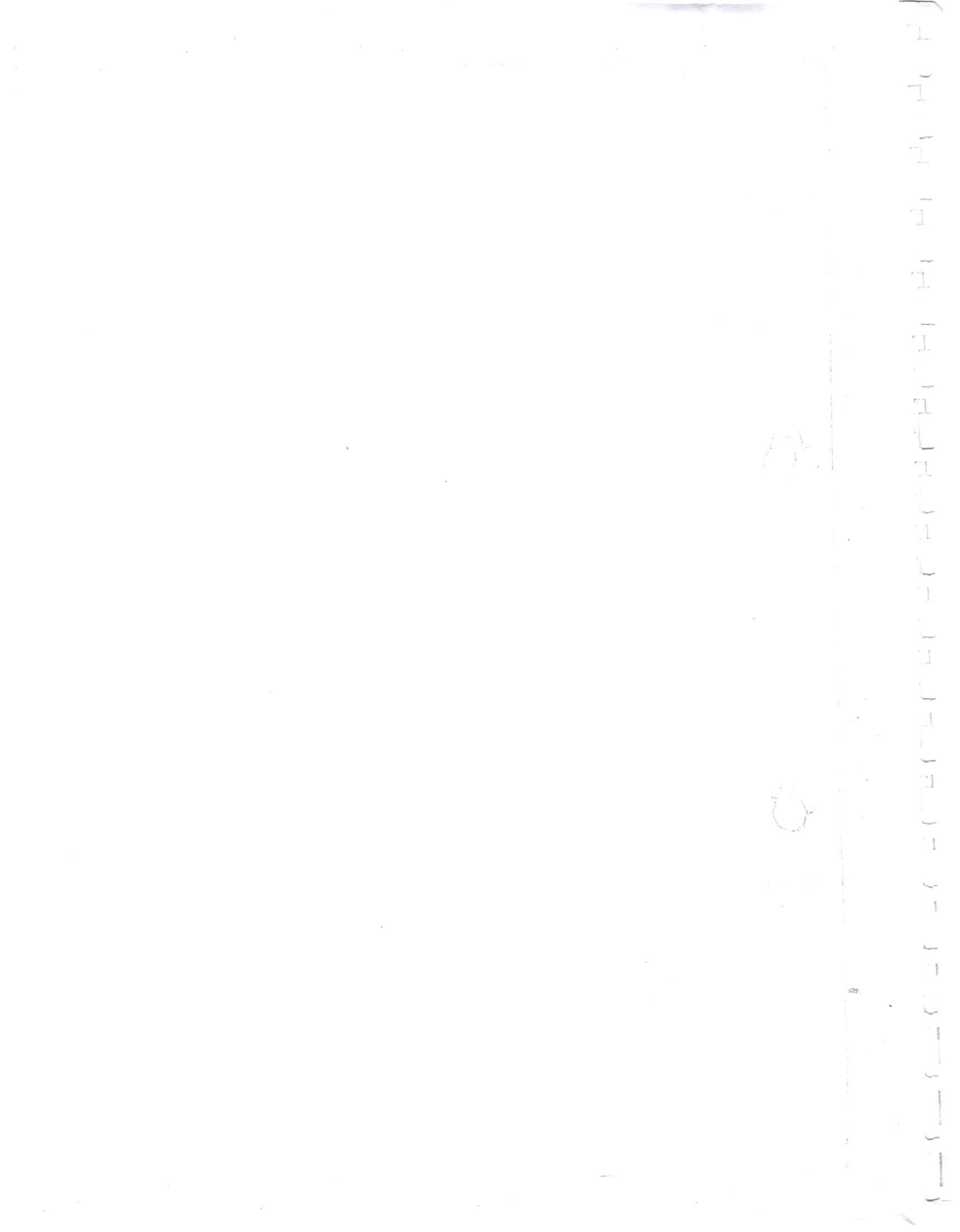


TABLE OF CONTENTS

PREFACE

CHAPTER 1

THE CONSTITUTION

CHAPTER 2

THE GOVERNOR

CHAPTER 3

THE EXECUTIVE COUNCIL

A. Composition of and Appointment to the Executive Council	6
B. Collective Responsibility	6
C. Ministerial Responsibility	7
D. Secrecy and Oaths	8
E. Business for Executive Council of Ministers	9
F. Council Documents	11
G. Form of Memoranda	12
H. Reproduction of Memoranda	13
I. Restricted Memorandum	13
J. Conclusions and Action on Decisions of the Council	13
K. Access to Council Documents	14
L. Attendance of Officials at Council Meetings	15
M. Absence from Meetings	15
N. Petitions	15
O. Committees of Council	16
P. Duties of the Clerk to the Council	17

CHAPTER 4

THE LEGISLATIVE COUNCIL

A. Constitution and Powers	19
B. Elections	20
C. Registration of Voters	20
D. Standing Orders and Business	21
E. The Gazette	22

CHAPTER 5

LAW MAKING

A. Annual Legislative Programme	24
B. Drafting of Legislation	24
C. Progress of Bills	26
D. Assent to Legislation	26
E. Subsidiary Legislation	27
F. Imperial Legislation	28
G. Annual Publication of Laws	28
H. The Laws of Montserrat	29

TABLE OF CONTENTS cont.

CHAPTER 6

THE JUDICIARY

CHAPTER 7

CONVENTIONS AND AGREEMENTS

- A. International Conventions 31
- B. Regional Treaties and Agreements 33

CHAPTER 8

ORGANISATION OF GOVERNMENT

- A. General 34
- B. Functional Relationships of Government Agencies 35

CHAPTER 9

PUBLIC MANAGEMENT CODE OF CONDUCT

- A. General 37
- B. Code of Obligation 37
- C. Code of Prudence 38

CHAPTER 10

DUTIES AND RESPONSIBILITIES

- A. Permanent Secretary 40
- B. Head of Department 41
- C. Chief Professional Officer 42
- D. Assistant Secretary 43
- E. Executive Officer 43
- F. Job Description 44
- G. O & M Reviews 45

CHAPTER 11

STAFF MATTERS

- A. Establishments and Training 47
- B. General Orders 50
- C. Public Service Commission 51
- D. Technical Cooperation and Volunteer Schemes 52
- E. Secondments 53
- F. Staff Appraisals and Reports 53

CHAPTER 12

CEREMONIAL AND PROTOCOL

CHAPTER 13

OVERSEAS COMMUNICATION

CHAPTER 14

INTERNAL COMMUNICATION

TABLE OF CONTENTS cont.

CHAPTER 15

EXTERNAL AND REGIONAL AFFAIRS

CHAPTER 16

OFFICE PROCEDURES AND ORGANISATION

A. General	62
B. Office Organisation	62
C. Procedures	63

CHAPTER 17

DEFENCE AND SECURITY

CHAPTER 18

FINANCE

A. Financial Control	65
B. Estimates	66
C. Financial Orders	67
D. Audit	69
E. Consolidated Fund	70
F. Special Funds	70
G. Cash Imprest	70
H. Public Accounts Committee	70

CHAPTER 19

AID AND DEVELOPMENT

CHAPTER 20

STATUTORY AND OTHER AUTHORITIES

A. Government Companies	76
B. Statutory Management Boards	76
C. Administrative Boards	76
D. Advisory Boards	77

POSTSCRIPT

APPENDICES

APPENDIX A: Organisation Chart	78
APPENDIX B: Regional Organisations - CARICOM, OECS, CARICAD	79
APPENDIX C: Specimen of Memorandum	86
APPENDIX D: The Process of Management	88

★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★

PREFACE

I am happy to commend this Handbook to the attention of all those who are involved in the development of public policies and public management in Montserrat. It has been written as a guide to middle managers and as an aide-memoire to senior managers. Its main objective is to assist its readers in understanding the organisation and administration of Government services, their interrelationships and interdependence and, concomitantly, the channels and methods of communication and decision-making through departments and other agencies of government as they go about their common task of serving the interests of the people of Montserrat.

It is hoped that clear understanding of the government system - too often unjustifiably taken for granted - will lead to more efficient and effective management. Such knowledge will be a firm basis for constant, sympathetic dealing with the public and will also promote critical thinking about ways in which services may be improved.

The Handbook has been issued in loose leaf form in order to facilitate the inclusion of those changes which will naturally occur from time to time. Every recipient of a copy should accept responsibility for assisting in its continual updating and accordingly submit such proposals as he may have for amendment to the Department of Administration which will be responsible for its upkeep. It is also to be remembered that the Handbook is the property of the Department and not of the person.

Finally, I should like to express gratitude for the British Development Division in the Caribbean for its ready response to my original request for a grant of funds to defray the expenses of compilation. Thanks are also due to the Caribbean Centre for Development Administration (CARICAD) and its consultant, Sir Carlisle Burton, for converting the idea into a reality.

D.K.H. DALE
GOVERNOR

CHAPTER 1

THE CONSTITUTION

1. A Constitution may be defined as a statement of the mode in which a State is organised and of that body of fundamental principles according to which a State or other organisation is governed. In the case of Montserrat, there is no single document - either in the form of an Ordinance or an Order in Council - which embodies the various elements which are usually to be found in a written Constitution. It is therefore necessary to consult a number of sources in order to determine the framework within which the Government and Public Services of Montserrat are required to function.
2. Montserrat is a Crown Colony, a British dependent territory for whose good governance the Secretary of State for Foreign and Commonwealth Affairs is ultimately responsible to the British Parliament. The basic Constitutional document is the **Montserrat Letters Patent, 1959** which came into operation on January 1, 1960 and has been modified and amended by the following Orders:
 - (i) West Indies (Dissolution and Interim Commissioner) Order, 1962 (S.I. 1084 of 1962).
 - (ii) Montserrat Order, 1967 (S.I. 230 of 1967).
 - (iii) Montserrat (Governor) Order, 1971 (S.I. 1740 of 1971)
 - (iv) Montserrat Letters Patent (Amendment) Order, 1971 (S.I. 1783 of 1971)
 - (v) Montserrat and Virgin Islands (Supreme Court) Modifications Order (S.I. 1112 of 1983).
3. The Letters Patent is the document upon which the ministerial system of Montserrat is based as it sets out the respective powers of Governor and Executive Council. Under this instrument the executive authority of Montserrat is vested in Her Majesty and may be exercised on Her Majesty's behalf by the Governor, either directly or by delegation. At the same time the Executive Council is established to have the general direction and control of the Government of Montserrat, subject to the provision under which the Governor must retain responsibilities in respect of defence, external affairs, maintenance of law and order as well as matters relating to the Judiciary, the Public Service and the audit of accounts.
4. The **Constitution and Elections Ordinance** (Cap. 153) governs the institution of the Legislative Council and election thereto. Amendments to this Ordinance were made by Ordinances No. 7 of 1966, No. 15 of 1970, No. 14 of 1975, No. 11 of 1980 and No. 24 of 1982. There is also subsidiary legislation relating to electoral districts as well as the Montserrat (Electoral Provisions) Order, 1966 and other regulations made thereunder.
5. The Constitution and Elections Ordinance prescribes the size of the Legislative Council, the qualifications and disqualifications for membership, the power of the Supreme Court to settle questions of membership, the length of sessions, the election of a Speaker from non-members of the Legislative Council and of a Deputy Speaker from non-members of the Executive Council. It also gives the Governor the right to address the Council and regulates proceedings in respect of such matters as the quorum, voting, prorogation, introduction of bills, money

bills, and assent to bills. It also sets out the Governor's powers of assent and reservation in respect of bills and Her Majesty's powers of disallowance. It defines too the manner in which the Governor, under the provision of the Ordinance, may act "after consultation" or "in his discretion". Finally, it deals with the supervision of elections, including the establishment of electoral districts, the use of enumeration years and the publication of lists of electors.

6. The administration of Justice is separated from the Executive by being vested in the High Court, in accordance with the West Indies Associated States Supreme Court* (Montserrat) Ordinance, 1968 (No. 1 of 1968) which creates the High Court and the Court of Appeal. The West Indies Associated States Supreme Court Order, 1967 (S.I. 223 of 1967) is also relevant. Appeals to Her Majesty's Privy Council are governed by the Montserrat (Appeals to Privy Council) Order, 1967 (S.I. 233 of 1967), but in cases of capital sentences, the Privy Council (Capital Sentences) Appeal Rules 1979 apply. (See Gazette No. 9 of 1979)
7. The Montserrat Royal Instructions, 1959 are concerned among other matters with the passing of legislation, publication of ordinances, reservations, disposal of public land and the power of pardon.
8. (i) The Leeward Islands (Emergency Powers) Order, 1959 gives the Governor power to declare a state of emergency and to make emergency laws to secure public safety, the defence of the country and the maintenance of public order, supplies and services essential to life.
(ii) Under Section 15(1) of the Defence Force Ordinance the Governor may require the Commanding Officer of the Defence Force to call out the Force.

* now known as Eastern Caribbean Supreme Court

9. The Attorney General (Powers) Ordinance (Cap. 218) defines the role of the Attorney General, the Principal Law Officer, who also holds the responsibility of a Director of Public Prosecutions. He sits, ex officio, in both the Executive Council and the Legislative Council and will be called on to act as Governor when, in case of the Governor's absence, no other person has been designated to act as Governor.
10. (a) As has been observed by the 1983 Salaries Commission, "one of the accepted principles of the British democratic system, is that the Civil Service itself should be free from political control and influence. The Public Service Commission was evolved to meet this system." The Commission which is established and governed by the provisions of the **Public Service Commission Ordinance (Cap. 223)** submits its recommendations in respect of Civil Service personnel to the Governor for his consideration. The Civil Service may thus be expected to be "an efficient professional body to carry out the directions and implement the policies of the Government without fear or favour."
(b) Legal Officers are subject to the **Legal Officers (Appointments, Dismissal, etc.) Ordinance (Cap. 119)**. It should also be noted that Section 8 of the Montserrat Letters Patent, 1959 has been affected by the Montserrat and Virgin Islands

11. The Finance (Control and Audit) Ordinance, 1972 (No.17 of 1972) contains provision for the establishment and operation of the Consolidated Fund, annual estimates, the powers and duties of the Minister of Finance and the Financial Secretary, the duties of the Accountant General as well as the special position, powers and duties of the Director of Audit who in the performance of his duties is not subject to the direction or control of any person or authority.
12. Mention should be made of the Immigration and Passport Ordinance which defines a "belonger" of Montserrat. However, it should be remembered that citizenship is governed by the British Nationality Acts just as British legislation will be applicable in Montserrat in any cases where there may be a lack of relevant legislation in Montserrat.

3

CHAPTER 2

THE GOVERNOR

1. The Executive Authority of Montserrat is exercised by the Governor on behalf of Her Majesty and he may therefore exercise his powers without enquiry in any Court. The Governor is the local representative of Her Majesty's Government and he is answerable to the Secretary of State for the good governance of the Territory in accordance with the Constitution, the Laws applicable to the Colony and such instructions as may be given by Her Majesty The Queen through a Secretary of State. He is required to obtain and act in accordance with the advice of the Executive Council except in matters which are "in his discretion", in cases of special legal exemptions or in cases of urgency. In respect of the latter he must inform the Council of the measures taken and the reasons therefor.
2. He may act contrary to the advice of the Executive Council in the interests of:
 - (a) the defence of Montserrat or any other part of Her Majesty's dominions.
 - (b) the regulation of relations between Montserrat and any other country or any international organisation;
 - (c) law and order;
 - (d) maintaining efficiency of the Judiciary or the Public Service or any part thereof.
3. Only the Governor or someone duly authorised by him may make grants and dispositions of land or other property of the Crown.
4. He also has power to constitute offices and make appointments, dismiss or otherwise discipline Officers, but he will be assisted by recommendations from the Public Service Commission and he must consult the Chief Justice before appointing a Magistrate, Registrar or other Officer of the High Court.
5. The Governor has powers to grant pardon to a convicted person, grant a respite from execution of sentence, substitute a less severe form of punishment or remit the whole or part of any penalty in respect of offences against any law in force in Montserrat.
6. The Executive Council cannot be summoned except by the authority of the Governor acting in his discretion, but it must be summoned if the Chief Minister so requests. The Governor shall, as far as practicable, attend and preside at meetings of Executive Council.
7. The Governor, in his discretion, will appoint as Chief Minister the elected member of the Legislative Council most likely to command the confidence of the majority of elected members. He will then appoint other Ministers and the members without portfolio in accordance with the advice of the Chief Minister.
8. If the Legislative Council should declare a lack of confidence in the government which is supported by the affirmative votes of a majority of all the elected members, the Governor shall revoke the appointment of the Chief Minister: provided that before doing so the Governor shall consult with the Chief Minister and if the Chief Minister so

requests, the Governor, acting in his discretion may dissolve the Legislative Council instead of revoking the Chief Minister's appointment.

9. On the advice of the Chief Minister, the Governor will in writing assign responsibility for any subject or any department of Government and may amend or revoke such directions by subsequent action - except in respect of those subjects which he is required to retain himself in accordance with the provisions of the Montserrat Letters Patent, 1959.
- 10 The Governor is appointed by Her Majesty the Queen and holds office during Her Majesty's pleasure. In the absence of the Governor an Acting Governor may be designated by instructions given by The Queen through a Secretary of State, but if no such instructions are given, the duties of Governor are to be performed by the Attorney General.

CHAPTER 3

THE EXECUTIVE COUNCIL

1. The Executive Authority of Montserrat is vested in Her Majesty by Section 11(1) of the Montserrat Letters Patent, 1959. The Governor, as Her Majesty's representative, exercises these powers on her behalf either directly or through officers subordinate to him. While he retains personal responsibility for certain functions the Executive Council which advises him in the execution of all other executive powers may be considered in those respects as the highest policy-making body in the territory. The Executive Council which is established by Sections 12(1) and 12(2) of the Letters Patent is charged with the general direction and control of the Government of Montserrat and is collectively responsible therefore to the Legislative Council.

A. COMPOSITION OF AND APPOINTMENT TO THE EXECUTIVE COUNCIL

1. Membership of the Executive Council is held as follows:

- His Excellency the Governor - President.
- The Chief Minister - appointed by the Governor as the elected member of the Legislative Council most likely to command the confidence of the majority of elected members.
- ^{THREE (1989 CONSTITUTION)} Two Ministers - appointed by the Governor in accordance with the advice of the Chief Minister from among members of the Legislative Council.
- One member without portfolio appointed by the Governor in accordance with the advice of the Chief Minister from among members of the Legislative Council. The Governor acting after consultation with the Chief Minister may designate the Member Without Portfolio (MWP) to be a Minister.
- Two Ex Officio Members:
 - The Attorney General
 - The Financial Secretary

2. On the advice of the Chief Minister the Governor will assign subjects or combinations of subjects to each Minister. Under the Constitution, however, the Governor retains personal responsibility for defence, external affairs, maintenance of law and order, matters concerning the Judiciary and the Public Service as well as audit of accounts of Government.

B. COLLECTIVE RESPONSIBILITY

1. The Executive Council is collectively responsible to the Legislature and consequently the principle of collective responsibility is fundamental to the operations of the Executive Council. A basic principle therefore in the functioning of the Executive Council is unity. It is important to present a united front in the face of the public.

2. A member may not speak either in public or in private against a decision of the Council; and as he is a member of the Government Bench in the Legislative Council, he must not speak or vote on any measure debated in the Council otherwise than on the lines agreed to by the Council.
3. No Minister may, in the Legislative Council or in public speeches or elsewhere, commit the Government to any course of action save in accordance with decisions on policy already made by Council.
4. All members of the Council, therefore, are collectively responsible for the policy decided within the Council and are required to support decisions taken there in the Legislative Council and if necessary before the public.
5. The principle is not affected by the assignment of responsibility to individual Ministers so that in order to preserve this principle in practice, a Minister should:
 - ensure that his decisions, when not within the policy already decided by the Executive Council, are nevertheless clearly defensible by the Council;
 - avoid conflict by putting before the Executive Council matters on which there may be doubt regarding the attitude of cabinet colleagues or concerning which there is any unresolved difference of opinion;
 - refrain from committing the Government publicly to any course of action save in accordance with the policy of the Executive Council;
 - preserve unity within the Council by consulting both formally and informally, as the occasion demands, with other members of the Council.
6. As the practice of collective responsibility calls for unity among Ministers, any Minister or MWP who finds it impossible to accept and support any decision of the Council needs to consider the one course open to him and that is to resign his office.

C. MINISTERIAL RESPONSIBILITY

1. Under Section 17 of the Montserrat Letters Patent a Minister is assigned in writing responsibility for a portion of the business of the Council. This ministerial responsibility, together with the necessity to uphold the principle of collective responsibility and to preserve unity, makes it incumbent upon the Minister to submit to the Council:
 - memoranda and papers on subjects within his portfolio for discussion and decision;
 - matters which by law must be presented before that body.
2. A decision on what to submit to the Council places considerable responsibility on the Minister. The submission of too many matters may overburden the Council and suggest lack of confidence on the part of the Minister and the submission of too few might give rise to the complaint that he is acting too independently of his colleagues. He may even be called upon to resign if he makes a decision which the Council is unable to support.
3. Ministers and their officials therefore should ensure that major policy matters are referred to the Council whilst refraining from submitting trivial or routine subject matters.

D. SECRECY AND OATHS

1. Ministers take the Oath of Allegiance and the Ministerial Oath, which includes the oath of secrecy for due execution of office.

(i) Secrecy of Business before the Council

- Every paper, including the agenda paper, is itself secret as is every subject coming before the Council.
- Opinions of individual Ministers on the nature of discussions and decisions of the Council should not be divulged, under any circumstances whatever. Adherence to the doctrine of secrecy helps to ensure that all aspects of a subject may be raised or discussed without fear and protects the right of a member to try to convince his colleagues of a particular point of view and vice-versa.
- A Minister should ensure that the contents of all documents relative to his or another Minister's portfolio are kept in strict confidence.
- Members of the Legislative Council who are not members of the Executive Council are not members of the executive arm of Government. Therefore information given to them, may on occasions, have to be strictly limited.

(ii) Secrecy of Discussions at Meetings

- In endeavouring to reach a consensus in advising the President, it is absolutely essential that members of the Council should express themselves freely without the fear that individual opinions and actions might become public either at an early date or in the distant future. It would be a most grave breach of the oath of secrecy for any member, at any time, to disclose how individual members of the Council voted on a subject or the views he might have put forward against or on behalf of a matter before the Council.

(iii) Continuation of the Oath of Secrecy

- The oath of secrecy continues to be binding on a member after his resignation or after the dissolution of a Government.
- If a member resigns and, in stating his reasons therefor, wishes to refer to discussions in Council he must first obtain the consent of the Governor before any such reference.

(iv) Secrecy in relation to Council Committees

- The proceedings, composition and terms of reference of all committees of the Council are secret.

(v) Disclosure of Facts for Official Business

- There must be no disclosure of the facts of Council documents or proceedings save to those who need to know these facts in the course of their official duties.
- Such facts should be communicated only when they must be known for the execution of official business.

(vi) **Notice to Attorney General of Breaches of Official Secrets Act**

- All officials will themselves have signed the Official Secrets Act. Members of the Council and officials are obliged to notify the Attorney General of any unauthorised disclosure of the proceedings of the Council that come to their notice and to assist him in any investigations which he may initiate.
- The Clerk of the Council will notify the Attorney General of any breach of secrecy which comes to his notice.

E. BUSINESS FOR EXECUTIVE COUNCIL OF MINISTERS

(i) Summoning of Regular Meetings

The Clerk of the Council takes the President's instructions on the Agenda and the calling of regular meetings. The Governor alone has the right to summon a meeting of Executive Council but he must summon a meeting on the request of the Chief Minister.

(ii) Proceedings of Council Meeting

- Proceedings of the Council are informal and not subject to the rules of debate.
- Unless consent for the consideration of additional items is obtained from the President, then discussion will be limited to the items on the agenda.
- Notice of matters for discussion must be given by the submission of a memorandum.
- The member putting forward the memorandum is expected to lead the discussion except in his absence, when he may ask one of his colleagues to deputise for him.

(iii) Matters Raised Orally

- Any member wishing to raise a matter orally should inform the President as early as possible, giving details of the particular matter and reasons why discussion on the matter cannot be delayed until after the submission of a memorandum. The President shall decide whether it can be dealt with orally under 'Other Business' or should form the basis of a memorandum.
- Matters discussed without memoranda will be recorded briefly in the conclusions of the meeting of the Council under 'Other Business'.

(iv) Notice and Agenda

- The Executive Council will normally meet weekly (at present Tuesday at 9:00a.m.) and the agenda will be closed five days before the day of the meeting (at present each Thursday) unless special arrangements are made with the Clerk of the Council.
- A Minister must make a personal approach to the President if he wishes to propose an amendment to the agenda.
- Save with the President's permission a memorandum will not be set down on an agenda for discussion by the Council at its normal weekly meeting after the closure of the agenda until two working days after it has been circulated.

The notice and agenda of a meeting will be circulated by the Clerk of the Council by mid-day on the day following the close of the agenda (at present mid-day Friday).

(v) Identification of Items on the Agenda

- Under each item for discussion the agenda will quote:
 - (a) the serial number of the memorandum
 - (b) the subject file
 - (c) previous references
 - (d) the member responsible for the subject-matter.
- If a memorandum covering subjects on the agenda is not available for circulation with the agenda, it will be given in advance, through consultation with the Clerk of the Council, a reference number which will be quoted with the remark "To be circulated".
- The Governor may at any time call for any official paper or seek any official information or advice available to a Minister.

(vi) Submission of Memorandum to the Council

(a) The initiating Ministry will take action as follows:

- In preparing any submission to the Executive Council, the initiating Ministry is responsible for seeing that all interested parties (e.g. Finance, Legal, other Ministries involved) have been consulted and their views included in the final draft as well as making certain that clear recommendations have been placed before the Council.
- The memorandum, after it has been accepted by the Minister, should be submitted on stencil to the Clerk of Council for action.
- The memorandum should be placed at the back of the subject file.
- The file should be minuted to the Clerk of Council for action.

(b) The Clerk of Council will take action as follows:

- Read the draft paper to ensure that proper consultations have been made and clear recommendations set out. If necessary the Clerk will refer the paper to the Ministry concerned stating the reason why the paper cannot be accepted. In doubtful cases the Clerk will refer the matter to the President.
- Give the draft paper a number.
- Place it on the Agenda.
- Circulate the paper to the members of the Council as well as to Permanent Secretaries.
- Ensure that attachments are complete.
- Ensure that previous references are included whenever appropriate and are properly quoted.

Arrange for the numbering and recording of the paper in the Register, and for its reproduction.

(vii) Summoning of Special or Extraordinary Meetings

Requests for the convening of an emergency meeting must be submitted to the Governor.

F. COUNCIL DOCUMENTS

(i) Kinds of Documents

The main kinds of Council documents are:

- Memoranda - submitting questions for decision or giving information likely to lead to discussion.
- Agenda - listing the business to be decided by a meeting.
- Conclusions - recording proceedings and decisions of the Council.
- Minutes - recording proceedings and recommendations and in certain cases decisions of a Committee of the Council.
- Information papers/notes - providing information for members although the subject matter is not intended for debate or decision.

The above-mentioned documents are all the property of the Council and the Clerk should ensure that their contents are not divulged to unauthorised persons.

A paper put before the Council or before a Committee should either be a memorandum or an Information paper.

(ii) Security of Documents

- All documents are to be headed:
"This document is the property of the Government of Montserrat".
- All copies are to be numbered, each member of the Council and each Permanent Secretary having his own number.
- The Clerk records the issue of documents to each member of the Council or Committee and to each Permanent Secretary.
- It is the duty of members of the Council and all officials in Ministries who handle council documents to ensure that such documents are safely locked away when not in use.
- Documents no longer in use should be recalled by the Clerk and destroyed. The return of these documents must be recorded.

All Council documents must be returned to the Clerk by a Minister on his resignation and on his ceasing to be a Minister.

(iii) Signature on Council Documents

A memorandum or note written for or by a member of the Council should be initialled by him personally.

- A paper written by the Clerk or by any other official in his own capacity should be signed in full (the initials or signature are typed on to the stencil); otherwise the draftman's name does not appear anywhere in the document.

G. FORM OF MEMORANDA

- (i) Every memorandum for the Council should be put forward by a member of the Council. Exceptions are information papers/notes such as:
 - Factual statements on matters of Government business.
 - Notes at the request of the President or a Council member.
 - Covering notes on papers already circulated.
 - Additional information relevant to a Minister's paper.
- (ii) A well-presented memorandum should:
 - Give the date of origin of the paper at the head.
 - State precisely the main title of the subject.
 - Explain at the outset the purpose of the paper.
 - Recount briefly the background to the matter.
 - Indicate briefly the relevant considerations.
 - Include the comments of other relevant and interested Ministries and Authorities.
 - End with a precise statement of the recommendations and decisions sought in a series of short propositions.
 - Have properly numbered paragraphs to facilitate references during discussion.
 - State which Minister is presenting the paper.
- (iv) If the Minister himself has not seen the paper but officials of his Ministry have been consulted, make some such record as:
 "The Ministry of agrees or has no objections (or otherwise) to the proposals."
- (v) If more than one Ministry is concerned it is useful to hold a joint meeting to settle the terms of the draft or to clarify doubtful points.
- (vi) **Consultation with the Ministry of Finance**
 If a matter requiring decision has financial implications it should always be referred to the Ministry of Finance.
- (vii) **Consultation with Law Officers**
 If the memorandum contains matters with likely legal implications the advice of the Attorney General's Office Chambers should be sought.
 All legislation must be sent to the Attorney General's office for drafting and approval.

- (viii) It is important that, except for minor amendments, the Executive Council should set out the principles on which the proposed legislation is based before the Attorney General's office is asked to clear legal implications or draft legislation.

H. REPRODUCTION OF MEMORANDA

- (i) The memorandum and the required copies of all annexes must be supplied by the forwarding Ministry in stencilled form signed by the Minister.
- (ii) Documents initialled or signed for submission to the Council are the property of the Council and may not be reproduced in any Ministry or government office. This does not apply to 'Annexes' which are reproduced by the originating office.
- (iii) **Authority for the Reproduction of Council Documents**

Application for additional copies of a document must be made in every case to the Clerk of Council. If permission is granted the original draft memorandum is retained in the Council records.

- (iv) One copy of the memorandum will be placed on the relevant file. This copy will be marked "office copy".

NOTE: For security reasons this office copy is to be kept by the Permanent Secretary who is responsible for the implementation of decisions.

I. RESTRICTED MEMORANDUM

1. Where any member of the Council considers that a paper should have restricted circulation, he may apply to the President first, and the President may in his discretion order restriction.
2. Such memorandum should receive special treatment to ensure that at no time should the paper be available to persons other than members of the Executive Council.

(i) Treatment of a Restricted Memorandum

- A memorandum of this nature will be placed on a special "restricted" Council file which will be opened and registered in the Council Office. All action will be carried on through this file.
- If the decision involves action which will be known by the Public or which requires further correspondence in public offices, edited versions will be prepared by the Clerk of Council for the Ministry's file.

J. ACTION ON DECISIONS OF THE COUNCIL

- (i) Decisions of the Council are recorded by the Clerk in the Minutes.
- (ii) Complete copies of these minutes are issued to members of the Council and Permanent Secretaries.
- (iii) The Clerk must record in the conclusions only the essence of the discussion or the decision only and not refer to opinions expressed by members.

- (iv) Extracts from the Conclusions are forwarded on pink slips as soon as possible after a Council meeting to the Permanent Secretary in the relevant Ministry(ies).
- (v) The decisions should be circulated within 72 hours together with the agenda for the following meeting, at present mid-day of Friday. A pink slip recording the decision will be forwarded not later than mid-day of the following Friday to the Permanent Secretary of the originating Ministry for placement on the Ministry/Departmental file and it should be endorsed. *'The Governor concurs and orders accordingly.'*
- (vi) The Permanent Secretary will be responsible for the preparation of a letter, memorandum or other document conveying such instructions as may be necessary arising out of these conclusions.
- (vii) When the actual words of the conclusion are being used verbatim, these words should not be quoted in inverted commas.
- (viii) Reference numbers of Council papers must never be used on any other documents.
- (ix) The decision will normally be conveyed as a direction of a member of the Council concerned and not as a decision of the Council unless the latter course has been prescribed for reasons of emphasis.
- (x) **Major Variation of Decisions**
The Council may be asked to reconsider a decision previously made if the Minister finds it impracticable to implement the conclusion or if the circumstances have changed and the decision has become difficult or undesirable to implement.
- (xi) **Minor Variations of Decisions**
The Minister should inform the Chief Minister, through the Clerk of Council of the nature of the variation suggested and take instructions whether to go ahead or to go back to the Council.

K. ACCESS TO COUNCIL DOCUMENTS

- (i) As a general rule Ministers will only have access to memoranda and conclusions of meetings which took place when they themselves personally held office.
- (ii) On the change of Government Ministers may, however, with the permission of the Governor, be given copies of conclusions on subjects considered before their time if such conclusions are necessary for the discharge of current business.
- (iii) No Minister is entitled as a right to see the memorandum put to the Council or the conclusions of meetings of the Council held when he was not a Minister.
- (iv) All Council documents, with the exception of the office copies of memoranda and extracts of conclusions upon it in the relevant Ministry file, must be returned by a Minister on his ceasing to be a Minister.
- (v) Notwithstanding any other rules regarding the access to Council documents, a Minister, on returning to office, is entitled to see copies of specific memoranda and conclusions

issued while he was previously in office. Application to have access to such documents should be made to the Clerk of Council, giving details of the papers required.

L. ATTENDANCE OF OFFICIALS AT COUNCIL MEETINGS

If a Minister wishes any official to be present at discussions on a particular matter in Council the Minister will make his request through the Clerk of Council. This request should be passed to the President. The official will normally withdraw from the meeting before the Council takes its decision on the matter.

M. ABSENCE FROM MEETINGS

(i) General

A Minister's first duty is to participate fully in the discussions and decision-making of the Council. In planning visits to places outside of Montserrat the Minister should be conscious of this obligation to the Council and to the Ministry for which he is responsible.

(ii) Absence from Meetings

Council meetings take precedence over all other meetings. If for unavoidable reasons, a Minister is unable to attend a Council meeting, he should give notice to the Clerk of Council as early as possible.

(iii) Absence from the Territory

- Ministers who wish to be absent from duty or go abroad must, in accordance with Section 14(2) (d) of the Letters Patent 1959 obtain permission from the Governor.
- In the case of a Minister, the application should be accompanied by the recommendation of the Chief Minister regarding the responsibilities of the Minister's portfolio during the period of absence whether the appointment of a temporary Minister is necessary or whether the portfolio will be held by another Minister.

N. PETITIONS

(i) General

No paper can be put to the Council by anyone unless he is a member of the Council. It follows that no member of the public is entitled to address the Council. However, members of the public do, from time to time, address letters or petitions to the Council or Clerk of Council.

(ii) Treatment of Petitions

On receipt, a letter of acknowledgement stating that the correspondence has been referred to the Minister responsible for the particular subject matter is despatched by the Clerk to the sender of the petition.

The Clerk sends a copy of the letter received and a copy of the letter of acknowledgement to the appropriate Minister.

If considered necessary, the Minister may draw the subject matter of the petition to the attention of the Council.

D. COMMITTEES OF COUNCIL

1. Properly constituted and directed committees can be of inestimable value as co-ordinating agents for facilitating the operations and decision-making of the Council. Committees will be particularly valuable in cases where:

- Several minor matters are to be considered or when the implications of a problem concerns other Ministries.
- The Council wishes to have all aspects of a matter discussed in detail for its consideration prior to making a decision.
- Preliminary examination of a matter is desirable in order to focus on those aspects germane to the decision that the Council will be called upon to make.
- It would help the work of the Council to have matters which would otherwise be submitted in several memoranda put into a single one so that their inter-relatedness can be clearly seen.
- The special and varied knowledge skills and training of persons, either private or available within Ministries should be tapped.

(i) Constitution of Committees

Depending upon their purpose, committees may comprise Council members only or members and officials as well as outside bodies or individuals.

(ii) Proceedings of Committee Meetings

Committee meetings are conducted in the same manner as are Council meetings.

(iii) The Recordings of a Meeting of a Committee are referred to as "notes".

(iv) Submission of a Committee Papers to Council

- If the Chairman is a member of the Council he will submit the report of the Committee to the Council.
- If the Chairman is not a member of the Council the report will be presented by the member of the Council substantively responsible for the subject matter under consideration.
- If stipulated, the reports of certain committees may be submitted direct to the Council through the Clerk.

(v) Confidentiality of Committees

As mentioned earlier, collective responsibility of the Council necessitates that there be free, full and frank discussions among members at all times.

Such discussions could be hampered if the public knew by what process this was carried out. For this reason it is not the practice to disclose particulars of the composition and terms of reference of committees of the Council nor even their existence unless there are very good reasons to the contrary.

P. DUTIES OF CLERK TO THE COUNCIL

(i) Preparation for Council Meetings

- To consult the President in the preparation of the agenda for Council meetings.
- To ensure that the agenda and all relevant papers and documentation from Ministries and committees are circulated to members of the Council in good time for the meeting. See Item (IV) on pages 9 - 10.
- To examine all memoranda submitted for presentation to the Council to ensure that they conform to the accepted form and are accompanied by the necessary documentation and to refer to the President when necessary.
- To ensure that reference papers and documents are ready to hand.

(ii) During the Meeting

- To record the decisions of the Council.
- To provide the necessary reference documents as needed.

(iii) After the Meeting

- To convey the decisions of the Council to the appropriate persons or Ministries which will initiate action on them.
- To take steps leading to the co-ordination of the work of the Ministries which arises from a submission to the Council or which results from the Council's decision.
- To provide support for the work of committees established by the Council as necessary.
- Generally, to record follow-up action on all decisions taken by the Council.

(iv) General

- To keep a special list of all conclusions which require further action before being reconsidered by the Council or which include an invitation to a member to submit a memorandum.
- To ensure that arrangements for the security and confidentiality of Council documents and business are adequate.
- To ensure and record the return of all Council documents by Ministers when they cease to be Ministers.
- To circulate to members of the Council, for their information, copies of official despatches and telegrams from the Secretary of State.
- To have bound the decisions of Council meetings for record purposes.
- To index properly all decisions and maintain all books and records for the efficient conduct of Council business.
- To certify under his hand all subsidiary legislation including rules, orders, regulations and proclamations made by the Governor when the Governor has acted in

To be editor and publisher of "The Montserrat Gazette".

The Clerk of Council should:

- ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★

CHAPTER 4

THE LEGISLATIVE COUNCIL

1. The Legislative Council is the highest law making body in the territory. Ultimately all business conducted by Ministries will derive its authority and validity from the Council. It is therefore incumbent upon all officials to familiarise themselves with the procedure and other requirements relating to the execution of the business of this chamber.
2. A Permanent Secretary should attend all meetings of the Council in person or, in special circumstances, by representation through a senior member of staff.

A. CONSTITUTION AND POWERS

1. The Constitution and powers of the Legislative Council of Montserrat are set out in Part II of the Constitution and Elections Ordinance (Cap 153), as amended by Ordinance No. 14 of 1975 and No. 24 of 1982. Section 17 of the Constitution and Elections Ordinance provides for the Speaker to be elected by the Council from amongst persons who are not members of the Legislative Council. The Deputy Speaker is elected from amongst members of the Council who are not members of the Executive Council. In addition, Part II provides for:
 - (a) Composition of the Council;
 - (b) Appointment of Nominated Members;
 - (c) Powers to summon public officers to attend meetings of the Council;
 - (d) Qualifications for elected membership;
 - (e) Disqualifications for nominated and elected membership;
 - (f) Terms of office;
 - (g) Validity of proceedings;
 - (h) Dissemination of guidelines as to membership;
 - (i) Filling of vacancies;
 - (j) Temporary members;
 - (k) Incapacity of nominated members;
 - (l) Sessions of Council - less than twelve (12) months between session;
 - (m) Governor's right to address the Council;
 - (n) Oaths;
 - (o) Quorum;
 - (p) Voting;
 - (q) Prorogation and dissolution;
 - (r) General election to follow dissolution;

- (s) Introduction of Bills;
- (t) Power to make Laws;
- (u) Power to make Standing Orders;
- (v) Penalties;
- (w) Assent to Bills;
- (x) Words of Enactment of Bills;
- (y) Disallowance of Laws;
- (z) Exercise of Governor's discretion in certain provisions situations;
Privileges.

B. ELECTIONS

1. Elections are provided for in Parts IV to VII of the Constitution and Elections Ordinance (Cap 153). This ordinance makes provision for the following:
 - Nomination of candidates.
 - Qualifications, appointment and duties and payment of election agents.
 - Stipulations regarding payment of election expenses.
 - Counting of votes.
 - Polling agents.
 - The Conduct and Closure of the Poll.
 - The counting of votes and the announcement of the results.
 - Election petitions.
 - Election offences.
 - Qualifications for being a candidate for election are contained in Part II, Section 9 of the Ordinance.

C. REGISTRATION OF VOTERS

1. Provision for electoral districts and the annual registration of voters is set out in Part III of the Constitution & Elections Ordinance (Cap 153) as amended by Statutory Rules and Orders (S.R. & O.) No. 18 of 1969 in respect of constituency boundaries.
2. Details of the method of registering voters are contained in Electoral Registration Regulations 1970 Statutory Rules and Orders, No. 16 of 1970 as amended by Statutory Rules and Orders, No. 24 of 1970.

Officials should familiarise themselves with the requirements of the various provisions under the Ordinance.

These include matters regarding:

(i) Constituencies

- The number and identification of single member constituencies.
- The provision for the number of representatives to each constituency.

(ii) Voters

- Registration.
- Qualification and disqualification of voters.
- Any devices for voter-identification.

(iii) Duties of Principal Officers involved in the Process

- The Supervisor of Elections.
- Registering of Officers.
- Taking of Oaths.
- Enumeration.

(iv) Register of Voters

- Compilation and publication.
- Updating.
- Corrupt and illegal practices lists.
- Form and Content of Lists of Registers.

(v) Offences

The importance of elections to national life and the obvious pressures under which the electoral office is usually put make it imperative for the public service electoral machinery to act with confidence and in such a way as to demonstrate its absolute political impartiality in the exercise in the various provisions governing its operations.

It is desirable that summaries of the essentials of the statutory provisions should be prepared for ready digestion by public service officials and indeed by the public at large.

D. STANDING ORDERS AND BUSINESS

1. Under the provisions of Section 27 of the Constitution and Elections Ordinance (Cap. 153) the Council may make Standing Orders for the regulation and orderly conduct of its own proceedings and the despatch of business and the passing, intituling and numbering of Bills and presenting the same to the Governor for assent. These Standing Orders are contained in the Legislative Council Standing Orders, 1972 (Statutory Rules & Orders No. 6 of 1972).

2. Permanent Secretaries and Senior Officials should acquaint themselves fully with these orders, so as to be able to advise the members, if necessary. The table below outlines the contents of the Orders.

ORDERS

2-4 MEETINGS

Notice of Meetings and of Business, Adjournment, absence of members;

5-9 DUTIES OF THE CLERK OF THE COUNCIL;

10-15 ORDERS OF BUSINESS

Confirmation of minutes, messages from the Governor, Personal explanations, Other business adjournment on matter of urgent public importance;

16 PAPERS

Manner of presentation;

17-18 PETITIONS

Form, presentation;

19-22 NOTICES

Questions, motions, Bills, Petitions, types of motions not requiring notice;

23-27 QUESTIONS

Form, replies, supplementaries, disallowance;

28-30 MOTIONS

Power to move, withdrawal, reintroduction;

31-33 AMENDMENTS

Rules for presentation, order for taking admissibility;

34-44 RULES OF DEBATE

Mode of addressing Council, reference to other members, reflections upon Crown or certain other authorities, frequency of speaking, seconding, interruptions, relevancy, closure, allocation of time for debate, responsibility for order;

45-46 DIVISIONS

Voting, disallowance of vote of members having direct, pecuniary interest;

47-49 BREACHES OF ORDER

Withdrawal of disorderly member, suspension of member, enforcement of President's directions.

E. THE GAZETTE

1. The Gazette is the official authoritative publication of the Legislative Council. Several matters have the force of law only when they are issued in the Gazette. These matters will impinge in some way on the work of the various Ministries. Since publication in the Gazette is in effect the final validation of all the important work of Ministries and departments, it is absolutely important that every public servant ensure that he is familiar

with the contents of every issue. This document should receive the widest possible circulation within offices.

2. The Montserrat Gazette also contains:

- Ordinances and notifications of the power of non-disallowance or disallowance;
- Statutory Rules and Orders i.e. Subsidiary legislation;
- Statutory Instruments i.e. U.D. legislation applicable to Montserrat,
- Proclamations by the Governor;
- Notices of appointments, transfers, promotions etc. in the public service;
- Notification of statutory requirements, e.g. trade marks, publication of balance sheets, registration or de-registration of companies etc.

3. The editor of the Montserrat Gazette is the Clerk of Council. All items for inclusion in the Gazette should be submitted to him/her.

4. Great care should be taken to keep issues of the Gazette so that they can be retrieved with little difficulty. In addition, every Ministry should file, on the appropriate Ministry file, extracts relating to subject areas affecting that particular Ministry.

Distribution of the Gazette

1. Free copies of the Gazette should be distributed in accordance with instructions issued by the Governor.

CHAPTER 5

LAW MAKING

1. These guidelines are not be considered as superseding any instructions issued in the past or the future by the Attorney General and may therefore be modified or replaced by his instructions at any time if he may so wish.

A. ANNUAL LEGISLATION PROGRAMME

1. It is highly desirable that the programme of legislation proposed to be passed in any year should be decided well in advance of the beginning of that year. Each Ministry or Department responsible is therefore required to prepare and forward to the Attorney General by November 1 in each year a list of the legislation which it wishes to be passed during the coming year.
2. The list should set out:
 - The scope and purpose of each Bill.
 - The forecast of its length (longs, medium, short).
 - The urgency of the Bill.
 - Whether drafting instructions have already been approved by Executive Council.
 - Any other remarks to assist in determining its priority rating.
3. The Attorney General will, after consultation with the Ministries or departments concerned, submit for the approval of Executive Council a full legislation scheme arranged on a priority basis for the year.
4. The programme approved by Executive Council will be conveyed to:
 - All members of Executive Council.
 - The Permanent Secretaries and Heads of Departments concerned.
 - The Attorney General's Chambers.

B. DRAFTING OF LEGISLATION

1. As soon as practicable after approval of this programme each Ministry will prepare the necessary Executive Council memorandum setting out the aims and objects of the Bill and seeking approval for the drafting instructions which the Ministry purposes to be issued to the Attorney General in respect of each Bill included in the programme. All legal and policy issues must be properly treated in these papers.
2. The advice of the Attorney General should be sought on the legal aspects of the proposals before the issue of drafting instructions. Before the submission to Executive Council the views of all interested Ministries or departments should be sought for inclusion in the final memorandum.

3. It is to be borne in mind that the draftsman's task is to produce the Bill which will achieve the Ministry's purpose but that the Ministry is responsible for the substance of the Bill and for all questions of policy which may arise.

It is pointless to ask a draftsman "to consolidate and revise an Ordinance" or "to amend it in order to meet modern requirements" or to "draft the necessary legislation". He must receive a reasonably complete proposal before he can start his work and the Ministry must therefore settle the policy matters first, in order to avoid wastage of time and confusion later.

4. Discussion with the Attorney General's chambers will prove useful when it becomes apparent that legislation is required, but the Legal Officer should not be expected to pilot the Permanent Secretary or Head of Department through its policy decisions.
5. Instructions to draft legislation of any kind must be issued to the Attorney General by minute of the Permanent Secretary of the Ministry and all relevant files and papers on the subject brought to the attention of the Attorney General.
6. The Attorney General who is responsible for the drafting of legislation to implement the policies of the Ministries and for advising them on legal issues arising in the course of preparation of legislation will address written communications to the instructing Permanent Secretary to elicit any further information or clarification which he may need in connection with the drafting of the legislation or to arrange any conferences which may become necessary.
7. The draft when it is ready must be examined by the instructing Permanent Secretary who will be responsible for bringing it to the attention of other interested Ministries and soliciting their comments within a stipulated time. When all stages of preparation have been completed to the satisfaction of all parties concerned, the Bill will be submitted by the Ministry for the approval of the Executive Council under cover of an explanatory memorandum.
8. The Permanent Secretary and/or a designated senior professional or technical officer may be invited to attend the meeting of the Executive Council at which the Bill is to be discussed.
9. In the case of proposals for urgent or unexpected legislation which it has not been possible to include in the annual legislation programme, the Ministry concerned should submit a paper to Executive Council seeking approval in principle for the proposed legislation and for its inclusion in the current programme in an appropriate place. Such a paper will of course include the comments of the Attorney General. If the new proposal is approved the procedures set out above (paragraph 5 etc.) will then be followed.
10. Except where authorised by Executive Council the actual text of a Bill should not be disclosed to bodies or persons who are not part of the Government agencies concerned.
11. These instructions apply as far as is practicable to all subsidiary legislation.

C. PROGRESS OF BILLS

1. The introduction of bills is subject to the constitutional requirements laid down in Section 25 of the Constitutional and Elections Ordinance (Cap. 153) and the procedures set out in the Standing Order of this Legislative Council.
2. Every bill shall be read three times before being passed, and no bill shall pass through more than two readings at any one sitting, unless this rule is formally suspended for the purpose. Such suspension should be a rare occurrence.

3. Introduction and First Reading:

The introduction of the Bill is not optional. When the Speaker grants leave for it to be presented, the Clerk introduces and reads the Bill.

4. Once a Bill has been read a first time it is published in the Gazette. If that is not practical, it shall be made available for publication by both local press and radio.

5. Second Reading

A member moving the Second Reading of a Bill, states the object of the Bill or the reason for its introduction. When it is seconded, there may be debate upon the Bill's general merits and principles. If the motion is carried, the Bill shall stand referred to a committee of the whole Council to consider clause by clause, unless at this stage the Council decides to refer it to a Select Committee.

6. In the procedure in Committee, each clause is read and amendments may be moved and considered. If a Bill is referred to a Select Committee after it is reported upon, the whole Council considers the report.

7. Third Reading

The Third Reading follows immediately after the Committee stage when the Council has resumed and with it the Bill is passed into law.

8. A Bill may be withdrawn by the member in charge of it without notice either before the commencement of Other Business or during any stage of the Bill being read.

9. Appropriation Bill

The presentation of the Appropriation Bill is dealt with in Orders 66 to 70 of the Standing Orders of the Legislative Council.

D. ASSENT TO LEGISLATION

1. When a Bill has been passed by the Legislative Council, as described above, the Clerk to Council must put it into good order and having sealed it, send it to the Governor for his assent, together with a brief covering despatch to the Secretary of State, for the Governor's signature.
2. A Bill does not become law until either the Governor has assented to it in Her Majesty's name and on Her behalf and has signed it in token of such assent, or Her Majesty has given her assent thereto through the Secretary of State and the Governor has signified such assent by proclamation published in the Gazette.

3. When a Bill is presented to the Governor for assent he may assent to it, or refuse to assent or reserve the Bill for the signification of Her Majesty's pleasure. Unless he has been authorised by the Secretary of State to assent thereto, the Governor must reserve for the signification of Her Majesty's pleasure any Bill which appears to him, acting in his discretion:
 - (a) to be inconsistent with any obligation of Her Majesty's Government in the United Kingdom towards any other state or power or any international organisation;
 - (b) to be likely to prejudice the Royal Prerogative, or the maintenance of law and order in the colony, or the efficiency of the Judiciary or the Public Service or any part thereof;
 - (c) to be likely to prejudice the defence of the colony or any part of Her Majesty's dominions; or
 - (d) to be in any way repugnant to or inconsistent with the provisions of the Constitution and Elections Ordinance.
4. A law assented to by the Governor comes into effect on the day he signs it, unless there is provision in the law itself that it shall come into operation on some other date to be determined by the Governor in Council and proclaimed and by notice in the Gazette.
5. A Bill which has been reserved for the signification of Her Majesty's pleasure becomes law as soon as Her Majesty has given Her assent thereto, through the Secretary of State, and such assent has been signified by proclamation in the Gazette, unless there is provision in the law itself that it shall come into operation on some other date.
6. Once a Bill has been assented to by the Governor, he forwards it to the Secretary of State under cover of a despatch. Any law assented to by the Governor may be disallowed by Her Majesty through the Secretary of State. In such event the Governor shall cause notice of such disallowance to be published in the Gazette and the law is annulled with effect from the date of that notice.
7. If the law is not disallowed, the Secretary of State advises the Governor by despatch that the power of non-disallowance has been exercised and the Governor forwards the despatch to the Clerk to the Council with instruction that a notice be placed in the Gazette advising that Her Majesty the Queen, through the Secretary of State, has exercised the power of non-disallowance in respect of that Bill.

E. SUBSIDIARY LEGISLATION

1. Ordinances frequently empower the Governor in his discretion or the Governor-in-Council to make regulations, or other Statutory Instruments in order to carry out the objectives of the Ordinance. Some of these powers are delegated to certain designated officials. Subsidiary legislation is described in Section 2 of the Interpretation and General Clauses Act (Cap 157) as being any regulation, rule, by-law, proclamation, order-in-Council, order, direction, notice, form, or other instrument made under any Act or Ordinance or other lawful authority and have legislative effect.
2. No subsidiary legislation shall be inconsistent with the provisions of the main Acts or Ordinances.

3. In general terms, unless the power to make subsidiary legislation is assigned to any particular official, it requires the sanction of the Governor-in-Council and officials as a general rule should consult the Attorney General on all subsidiary legislation they propose to introduce.

F. IMPERIAL LEGISLATION

1. The British Parliament and or the Privy Council may enact legislation which is applicable to all, or certain colonies. Such legislation is referred to as 'imperial legislation' and its provisions are binding on the territories concerned. Often, but not invariably, the Secretary of State will seek territories' views before the legislation is enacted. In such event, the draft legislation, together with the usual detailed explanations will be forwarded by the Governor to the Ministry having responsibility for the subject, with a copy to the Attorney General.
2. The Ministry will consider the matter, consulting with the Attorney General as necessary. The Executive Council's view should invariably be sought and thereafter the Ministry will advise the Governor of the result, who in turn will reply to the Secretary of State.

G. ANNUAL PUBLICATION OF LAWS

1. Royal Instructions require that as soon as practicable after the commencement of each year the Governor shall cause a complete collection of Ordinances enacted Statutory Rules & Orders made in Montserrat and imperial legislation enacted by UK Parliament and this Privy Council during the preceding year to be published for general information. The duty for arranging this is assigned by the Governor to the Clerk to Legislative Council.
2. Free volumes of these annual collections of the laws will be distributed by the Clerk to Legislative Council, as follows:
 - (a) His Excellency, The Governor
 - (b) All Ministers
 - (c) The Chief Justice
 - (d) Attorney General (3 copies)
 - (e) Financial Secretary
 - (f) Speaker (3 copies)
 - (g) Elected and Nominated members of the Legislative Council
 - (h) All Permanent Secretaries
 - (i) Director of Audit
 - (j) Commissioner of Police (3 copies)
 - (k) Magistrate/Registrar (2 copies)
 - (l) Public Library
 - (m) Foreign & Commonwealth Library (2 copies)
 - (n) Faculty of Law Library, P.O. Box 64, Bridgetown, Barbados (2 copies)
3. The copy for the Chief Justice must be certified as being correct by the Governor.
4. Copies will be made available on sale to the general public and this should be publicised on the radio.

H. THE LAWS OF MONTSERRAT

1. In 1965 the Revised Edition of the Laws of Montserrat containing the laws in force on 1st January, 1962 was published. This is known as the "1962 Revised Edition".
2. From 1962 onwards Ordinances and Statutory Rules and Orders were revised as supplements to the monthly Gazettes, but bound annual Volumes of these laws were not published. In 1966, a small number of copies in one bound volume was produced containing Ordinances and Statutory Rules and Orders published in the years 1962 to 1965.
3. In 1978, aid funds were provided by British Development Division to print and publish a series of annual volumes containing the laws from 1966 to 1977 and it was decided that commencing in 1978 annual bound volumes of laws would be published in Montserrat. Since then bound volumes have been published containing the laws for the following years:
 - (a) 1966 - 1967 (one volume)
 - (b) 1968 - 1969 (one volume)
 - (c) 1978 - 1982 (five annual volumes)
4. Printing difficulties have delayed the publication of volumes for the years 1970-1977: it is hoped to have these missing volumes published in the near future.
5. Each year under the West Indian Legislation Indexing Project (WILIP), a Consolidated Index of Statutes and Subsidiary Legislation of Montserrat, as at 1st January of that year, is published. The index is compiled at the Faculty of Law Library, UWI, Barbados. It is the responsibility of the Clerk to make annual provision under "Vote 7: Legislature" to purchase copies for distribution to persons and organisations listed above.
6. It is the responsibility of all Officers listed in paragraph above to be in possession of:
 - (a) 1962 Revised Edition of the Laws of Montserrat(eight volumes)
 - (b) Annual volumes of laws from 1962 to date
 - (c) Current index, as described above
7. By using the Index, Officers will be able to discover what amendments have been made to Statutes and Statutory Rules and Orders since 1st January, 1962: without being able to do this, officers risk making decisions that are not in accordance with the Law.

00000000

CHAPTER 7

INTERNATIONAL CONVENTIONS

1. In this context, the word "convention" means a treaty, for that is the only meaning which the word possesses in international law and in international relations generally. Conventions are not to be confused with conferences nor are conventions in international law to be seen in the same light as conventions of the constitution.

Other words which are often used for the same purpose are agreement, pact, protocol, charter, covenant, accord.

2. Treaties may resemble contracts in national systems of law but they can also perform functions which in national systems would be carried out by acts (ordinances) of Parliament, by conveyances or by the Memorandum of Association of a Company. In English law Acts of Parliament are regarded as sources of law but contracts are merely legal transactions which create rights and duties only for the contracting parties who may be very few in number. A source of law means a source of rules which apply to a very large number of people.
3. In international law only an independent state can enter into a treaty. Treaties apply only to those states which agree to them.
4. Modern technology, communications and trade have made states more interdependent than ever before and more willing to accept rules on a vast range of problems of common concern - extradition of criminals, safety regulations for ships and aircraft, economic aid, copyright, standardisation of road signs and so on. Treaties are the major instrument of co-operation in international relations.
5. It is usual in the propagation of international conventions for procedures to be laid down in the text of the convention for accession to and ratification of the convention.
6. A few examples of international conventions are the following:
 - Geneva Conventions of 1949 relative to the protection of war victims (Red Cross).
 - Vienna Convention on Diplomatic relations and optional protocols, 1961.
 - International Convention for the regulation of Whaling.
 - International Plant Protection Convention.
 - International Convention for the prevention of pollution of the sea by oil.
 - International Convention on civil liability for oil pollution damage.

A. TREATIES AND CONVENTIONS APPLICABLE TO MONTSERRAT

7. Treaties and conventions applicable to Montserrat fall into two main classes:
 - (a) International conventions entered into by Britain as the administering authority for Montserrat and;

- (b) regional treaties, conventions and agreements entered into by Montserrat under delegated authority from Her Majesty's Government.

Where treaties and conventions are entered into on behalf of Montserrat by Her Majesty's Government, Parliament can and does enact legislation in the form of Acts which are binding on Montserrat or the Privy Council may pass Statutory instruments of application to Montserrat.

8. These should all be notified and in all cases reproduced in the Montserrat Gazette for public record. A list of all such imperial legislation and conventions applicable to Montserrat is held in the Attorney General's chambers.
9. As a matter of record, from 1st January, 1981 all Treaties, Conventions and UK legislation of application to Montserrat have been notified and published in the Montserrat Gazette on the instructions of the Attorney General. A complete register of treaties, conventions and UK Legislation applicable to Montserrat prior to this date is held in the Attorney General's chambers.
10. The Government of Montserrat is usually consulted by Her Majesty's Government on the application of Conventions (both Acts and Statutory) to Montserrat as to whether or not Montserrat wishes to have the Convention and Legislation applied and the choice lies with Montserrat.
11. The procedure is therefore:
 - (a) Draft convention or legal document is received by the Governor from Foreign and Colonial Office.
 - (b) By Minute Governor forwards copies to Ministry having responsibility for action and to the Honourable Attorney General for his information.
 - (c) Permanent Secretary prepares a memorandum and the draft Convention or Legislation for consideration of the Executive Council, ensuring that the Attorney General's advice is sought and recorded together with views of others who have an interest.
 - (d) Memorandum is submitted for the Executive Council's consideration.
 - (e) Clerk of Council forwards pink-slips recording Council's decision to the relevant Ministry with copy to Governor, who replies to the Foreign and Colonial Office.
12. When the Convention is ratified and applied to Montserrat or the Legislation is enacted by Parliament at Westminster or by the Privy Council, the Governor on receiving the final document will forward it under cover of a Minute to the Attorney General. The latter having satisfied himself that the document is in order, will formally advise the Clerk of the Council either to reproduce or to notify the document in the Gazette.
13. In certain areas, Montserrat is required to adopt locally Conventions that have already been ratified by the British Parliament or to re-enact British Legislation. In such cases, the procedure outlined in sub-paragraphs (a)-(d) above will be followed. However after the Executive Council decision the pink-slip will be sent to the relevant Ministry and copied to the Attorney General who will draft the necessary local legislation either in the form of a Bill or more usually of Statutory Rules & Orders.

14. The Attorney General and the Clerk of Council are to ensure that all Conventions and UK Legislation received since 1st January, 1981 are either published or notified in the Gazette. The Governor's office is, however, responsible for keeping a record of all conventions or treaties to which Montserrat has been made a party.

B. REGIONAL TREATIES, CONVENTION AND AGREEMENTS

15. Her Majesty's Government has in general delegated regional affairs to be the responsibility of the Montserrat Government. However, the Montserrat Government may not enter into any treaty or convention without the prior consent of Her Majesty's Government. Once consent has been given, with or without reservations Montserrat can enter into agreements within the ambit of the treaty provided such agreement does not infringe on Her Majesty's Government's direct responsibility for defence, security or foreign affairs.
16. In respect of any regional treaty, convention or agreement to which Montserrat has agreed to become a party, local legislation must be enacted and this must be done by means of a Bill being approved by the Executive Council and enacted by the Legislative Council on the initiative of the Ministry having responsibility for the subject.
17. The two main treaties to which Montserrat is a party, are the Caribbean Community formed by the Treaty of Chaguaramas in 1973 and the Treaty establishing the Organisation of Eastern Caribbean States in 1982. From these two treaties, Montserrat has entered into several agreements involving membership of regional organisations, all of which have been applied to Montserrat by local legislation.

ORGANISATION OF GOVERNMENT

A. GENERAL

1. An organisation chart is a graphical representation of the formal structure of relationships and responsibilities and authorities through which a business or a Government or a department of Government aims to achieve its objectives. It shows the formal communication network through which the decisions and instructions flow downwards and through which feedback on the degree of achievement of objectives is obtained.
2. An organisation chart for the Government of Montserrat is presented at Appendix A which is taken from the manual on "Organisation and Functions of Government" 1984. The chart shows that there are certain main levels of control of executive power at the head of which is the Governor.

It should be noted that the Governor is also specially charged with maintaining the independence and efficiency of the Judiciary and is responsible with the aid of an advisory Public Service Commission for the appointment, promotion and discipline of Public Officers.

The controlling authorities are:

- The Executive Council of Ministers.
 - The Legislative Council.
 - Ministries or organisations of ministerial status with various departments under their direction and control.
3. In addition to these, certain essential government business is carried on by quasi-independent and autonomous organisations classified as Government companies, Statutory Management Boards, Administrative Boards and Advisory Boards, as set out in Chapter 20.

At the head of the executive branch of the administration, under the presidency of the Governor, is the **Executive Council** which is responsible to the **Legislative Council**.

The Department of Audit is answerable to the Legislative Council and is under the direction of the Governor. Next in the organisational hierarchy come the executive agencies - Ministries and equivalent agencies.

4. The following comprise this level of authority:
 - The Chief Minister's Office.
 - The Ministry of Finance and Economic Development.
 - The Ministry of Communication and Works.
 - The Ministry of Education, Health and Community Services.
 - The Ministry of Agriculture, Trade, Lands and Housing.
 - The Attorney General's Office.

B. FUNCTIONAL RELATIONSHIPS OF GOVERNMENT AGENCIES

1. The functions of Governor, Executive Council, Legislative Council, the Judicial Department and the Public Service Commission are described elsewhere in this manual. The assignments of responsibility for subjects, departments and Statutory Authorities are set out in the table below.

AUTHORITY	RESPONSIBILITIES	DEPARTMENTS/AGENCIES
1. Governor	External Affairs Defence and Security Law and Order Judiciary Audit Public Service Personnel Conditions of service Organisation & Methods Staff relations Training Relations with H.M.G. Correction Services	Montserrat Defence Force Royal Montserrat Police Force Judicial Department and Courts. Audit Department P.S.C. (advisory) Department of Administration General Administration Establishments Division Training Centre Prisons Department
2. Chief Minister's Office	Political Affairs Regional Affairs Leader of Government Business Information & Broadcasting Services Telecommunications Policy Tourism Labour and Manpower	Government Information & Broadcasting Unit Tourism Department Labour Department
3. Ministry of Finance and Economic Development	a) Financial Administration - Treasury - Customs & Excise - Taxation - Postal Services b) Economic and Social Development Planning Unit - Statistical Services - Industrial & Commercial Development - Power & Energy	a) Finance - Treasury - Customs & Excise Department - Inland Revenue Department - Post Office b) Development - Statistics Services - Economic Services * Montserrat Development Finance & Marketing Corporation * Montserrat Sea Island Cotton Ltd. * Montserrat Industrial Enterprises Ltd.

AUTHORITY	RESPONSIBILITIES	DEPARTMENT/AGENCIES
4. Ministry of Communications and Works	Public Works Communications (Sea & Air) Water, Electricity & Port Services Telecommunications (Technical aspects)	Public Works Department Blackburne Airport * Montserrat Aviation Services Ltd. * Montserrat Electricity Services Ltd. ** Port Authority ** Water Authority
5. Ministry of Agriculture, Trade, Lands and Housing	Agricultural Research & Development Agricultural Extension Services Veterinary & Livestock Crop protection & Tillage Forestry and Fisheries Cooperatives Meteorology Lands & Surveys	Department of Agriculture Lands & Surveys Department ** Montserrat Land Development Authority
6. Ministry of Education, Health and Community Services	a) Primary Education Secondary Education Technical Education Adult Education Library b) Health Services Community Services	a) Education Department Public Library b) Health Department Community Services Department
7. Attorney General's Office	Legal Affairs Advising Executive Council Advising Departments Drafting Legislation Public prosecutions	Office of the Attorney General

* Government Company

** Statutory Management Board

CHAPTER 9

PUBLIC MANAGEMENT CODE OF CONDUCT

1. It is incumbent on administrative officers to see themselves as professionals and to act accordingly. They will therefore strive to observe a professional code of conduct in the performance of their duties in serving the Government and the public. The following guidelines are to be considered as helpful to that end. They are additional to and compatible with the General Orders of the Public Service which contain certain similarities.

A. GENERAL

- (i) Civil Servants, in particular senior officials, because of the position of trust and of their role as servants of the community must, in their conduct, inspire confidence in their impartiality and integrity.
- (ii) They should not allow their personal or private or any other interest to call into question their impartial loyalty to the political government and their unprejudiced service to the public.
- (iii) The official conduct of all civil servants is governed by the General Orders. In addition, however, unwritten rules, applicable in various spheres of governmental activities are accepted as governing the conduct of civil servants.
- (iv) In a government organisation which has long experience of changes in governments and experience of varying circumstances and of different statesmen and public officers, of institutional growth and development, certain rules have become cemented as the accepted Code of Conduct.
- (v) However, in a relatively young government organisation moving rapidly through an evolutionary process of constitutional developments, it is desirable to codify the rules of conduct. This will facilitate consistency in behaviour and obviate misunderstandings.

B. CODE OF OBLIGATION

1. The formal code of obligation is concerned inter alia with:
 - (i) **Attendance throughout normal working hours**

That officers must be prepared to devote, when and if necessary, their private time to government business. On the other hand private business should not be conducted regularly nor blatantly during official working hours.
 - (ii) **Engaging in trade or undertaking any private agency in any commercial matters.** The Public Servant must be seen to be loyal and efficient and devoted to duty and do nothing to give rise to conflict of interest between their public duty and private pursuits. Reference is made to Chapter 3 of the General Orders.
 - (iii) **Disclosure of Government and any shareholding**

Shares held in any local firm or any involvement in family business on

profit-making activities must be disclosed. Except in situations of clear conflict of interests permission to retain these will normally be given.

(iv) **Absolute prohibition of lending money at interest to anybody**

This implies simply that borrowing and lending between colleagues as well as between senior and junior officers is, to say the least, imprudent.

(v) **Publishing without permission**

The rules preclude publishing any official material or opinion, or giving talks, lectures on political or administrative matters without prior approval.

Whilst writings of a literary, historical, romantic, or philosophical nature will normally be permitted it cannot be expected that straight journalism, editorial responsibilities or paper correspondence will be approved.

(vi) **Prohibition, with a few exceptions, of the acceptance of presents other than from personal friends**

No officer should put himself under obligation to any person to such an extent that it might be thought that he might be influenced by that person in the exercise of his duties.

Senior officers who may be involved in conciliatory or quasi-judicial matters should avoid the acceptance of hospitality, whether transport or accommodation or meals, from potential parties to disputes.

(vii) **The rule against divulging any information acquired in the course of duty**

Under no circumstances should official news, even though common knowledge, be confirmed until it has been officially released.

Official information should never be used for private gain.

(viii) **The rule against leaving the country**

Officers must get permission before leaving the country. This is necessary even if the officer is on authorised leave.

C. **CODE OF PRUDENCE**

1. It is vital, for the public good, that the machinery of government should function smoothly; that there should be team spirit. It is therefore highly desirable that the administrator's action should be guided by certain under-lying principles in order to ensure cohesion and to boost morale among his colleagues.

2. The principal among these should be:

- (i) **The principle of reciprocity** in everyday relations with colleagues. This is the basis of conventions and custom about consultation.
- (ii) **A disposition for agreement** and conversely the avoidance of conflict through the exercise of understanding, maturity in the handling of affairs and flexibility in approach.

CHAPTER 10

DUTIES AND RESPONSIBILITIES

A. PERMANENT SECRETARY

1. The Permanent Secretary is the designation of the Government Officer responsible for the effective management of the human, financial and material resources in order to achieve the objectives of the Ministry and the Departments which fall under the portfolio of the Ministry. While he is responsible to the Minister for the programmes and projects of the Ministry he is at the same time responsible to the Governor for personnel and such other matters as are reserved for the Governor's authority.
2. The Permanent Secretary is the Accounting Officer of the Ministry and its departments and is thus personally responsible and accountable for the efficient and prudent conduct of the financial business of the Ministry and its departments of which he is appointed Accounting Officer.
3. It should be noted here, however, that certain Heads of Department are themselves Accounting Officers. These include the Attorney General, the Director of Audit, the Commissioner of Police, the Magistrate/Registrar and the Clerk to Legislative Council.
4. The votes are regarded as entrusted to the Accounting Officer and it is his duty to:
 - (i) Ensure that the funds are expended only for the purpose or purposes intended by the Legislative Council.
 - (ii) Account to the Legislative Council for the regularity and propriety of the expenditure of votes and accounts and for the receipt of public monies for which he or she is responsible.
 - (iii) Ensure that all officers under his or her control are fully conversant with the financial procedures and requirements embodied in the financial orders.
5. The Permanent Secretary's duties also include:
 - (i) Submitting advice and recommendations to the Minister on matters of policy and on other matters falling within the scope of the responsibility of the Minister.
 - (ii) Ensuring that decisions taken are sent to the appropriate quarters or authorities for execution.
 - (iii) Ensuring that wherever necessary there has been appropriate consultation and deliberation with other Ministries or departments to allow for coordination and proper execution of matters. This is particularly important in respect of Executive Council memoranda, since any deficiency in this matter will lead to the rejection of the paper by the President of the Council.
 - (iv) Keeping the Minister informed of all matters of importance affecting the Ministry and, in particular, the progress made in translating decisions into

action as well as informed of the progress of matters under consideration.

- (v) Reviewing the operations of the Ministry and departments under his or her responsibility with a view to increasing their efficiency and effectiveness.
- (vi) Instituting mechanisms, wherever possible and within the scope of his or her authority, to allow for such efficiency and effectiveness.

Such mechanisms may include:

- The operation of financial control systems.
 - The Rules and Procedures pertaining to various subjects for example, recording meetings.
 - The provision of job descriptions.
 - The development of codes of conduct which fall within the framework of the General Orders.
 - The development of information systems which would facilitate decision making and proper record keeping.
- (vii) Ascertaining that each officer is conversant and compliant with the various Rules and Regulations within the Civil Service particularly those which have a direct or indirect influence on his or her work.
 - (viii) Developing appropriate channels of communication which would facilitate proper communication within the Ministry and between the Ministry and the departments over which it has responsibility.

- 6. As Permanent Secretary is a designated Civil Service post, the holder should take no part in politics, but must have a clear appreciation of the political considerations that affect policies within his Ministry. He should not be called upon to deal with purely political matters which may arise by virtue of the Minister's representative capacity as a member of the Legislative Council.

B. HEAD OF DEPARTMENT

- 1. A Head of Department is responsible to the Minister through the Permanent Secretary for the administration of his department. He acts as an adviser to the Minister on professional or technical matters falling within the scope of his department's responsibility. Apart from having direct access to the Minister, through the Permanent Secretary, it is the Head of Department's duty to:
 - (i) Keep the Minister and Permanent Secretary fully informed of all the important activities of the Department;
 - (ii) Inform the Permanent Secretary of any decisions which may have been reached as a result of consultation with the Minister so that the Permanent Secretary may be able to perform his or her role as co-ordinator of activities as well as to provide for continuity of action.
 - (iii) Execute policy which falls within the portfolio of the department's operations.
 - (iv) Review the operations in the department with a view to increasing their efficiency and effectiveness.

- (v) Institute mechanisms, wherever possible and within the limits of his or her authority, to allow for such efficiency and effectiveness.
- (vi) Refrain from taking any action which may involve a change of policy or the likelihood of causing controversy without referring the matter to the Minister through the Permanent Secretary.
- (vii) Ascertain that each officer within the department is conversant and complies with the various Rules and Regulations within the Civil Service, particularly those which have an influence on the work of the department.
- (viii) Develop appropriate channels which would facilitate proper communication within the department between the department and the Ministry for which it is accountable.
- (ix) Carry out the functions of Accounting Officer, if so designated.
- (x) See himself as guide, counsellor and friend of every member of his staff.

2. It is to be noted that in some cases the Head of Department will also be Chief Professional Officer.

C. CHIEF PROFESSIONAL OFFICER

1. It is the duty of the Chief or Senior Professional Officer to:

- (i) Provide technical and professional advice to the Permanent Secretary or Head of Department on all matters which fall within his sphere of competence and which influence the formulation, implementation and review of policy.
- (ii) Assist the Permanent Secretary or Head of Department in the identification of matters which need policy decisions, formulating alternative solutions where possible and submitting appropriate recommendations.
- (iii) Assist the Permanent Secretary or Head of Department in determining courses of action, based upon his technical or professional expertise, to bring about desired results.
- (iv) Represent the Ministry whenever called upon by the Permanent Secretary on matters of a technical or professional nature.
- (v) Ensure that there is proper consultation and communication with other officers within the Ministry or department to allow for co-ordination of effort.
- (vi) Depending on the nature and function of the Ministry or department, the Chief or Senior Professional Officer may be responsible for:
 - Preparing instructions for drafting legislation and following up activities relating thereto.
 - Project identification, preparation, negotiation, implementation, appraisal and evaluation.
 - The conduct of feasibility studies.

The preparation of technical information on particular subjects within his sphere of competence.

(vii) Train, guide and counsel subordinate professional officers.

**D. PRINCIPAL ASSISTANT SECRETARY
SENIOR ASSISTANT SECRETARY
ASSISTANT SECRETARY**

1. The Assistant Secretary along with the two related posts of Senior and Principal Assistant Secretary is to be regarded as the beginning of the senior management grade.
2. It is the duty of the Assistant Secretaries to:
 - (i) Inform the Permanent Secretary of all matters that are likely to influence the formulation, implementation and review of policy.
 - (ii) Translate policy directives into detailed instructions for implementation.
 - (iii) Inform the Permanent Secretary of what progress has been made in carrying out the policy directives as well as the factors which have affected their execution.
 - (iv) Assist the Permanent Secretary in all matters pertinent to the management and effective functioning of the Ministry.
 - (v) Research and collect data when necessary on which to base decisions.
 - (vi) Develop, counsel and guide subordinate officers.
 - (vii) Draft papers and memoranda on important matters.
 - (viii) Clarify matters which subordinate officers may find difficulty in understanding.
 - (ix) Make or cause to be made records of meetings held in the Ministry or concerning the Ministry's business.
 - (x) Ensure that the Ministry's records of correspondence and activities are properly kept.
 - (xi) Understand that there will necessarily be overlapping of functions of administrative and executive officers and assist others in avoiding inflexible attitudes to their job descriptions.

E. EXECUTIVE OFFICER

1. It is the duty and responsibility of the Executive Officer to:
 - (i) Assist the Permanent Secretary or Head of Department in executing the Personnel Management function within the Ministry or department. Such functions may include
 - Ensuring that Performance Appraisal Reports for each employee are duly processed and submitted to the appropriate authority when and as required.
 - Processing applications for leave that is, vacation, sick, training and maternity, etc., on behalf of the Ministry's or department's employees.
 - Orienting new employees to the nature and functions of the Ministry or department.

Ensuring that each employee's record of employment with the Ministry or department is kept accurately and up to date.

- (ii) Submit advice and recommendations to the Permanent Secretary or Head of Department on matters pertinent to increasing the effectiveness of employee work performance.
- (iii) Draft letters and memoranda on matters which fall under his or her responsibility.
- (iv) Assist in the preparation of staff manuals, procedures and rules of conduct.
- (v) Assist in the establishment of mechanisms to deal with employee's grievances, complaints, etc.
- (vi) Keep the Permanent Secretary or Head of Department fully informed of any decisions or action which he or she has taken and which fall within his or her responsibility.
- (vii) Assist, when necessary, with the management of supplies (orders, storage, control of use) and the keeping of records.

F. JOB DESCRIPTION

1. A **Job Description** is a statement of the purpose, responsibilities and tasks which constitute a particular job. It is the duty of every Head of Ministry/Department to see that a job description is made and kept up to date for every post in the Ministry/Department and to forward a copy of that job description to the office responsible for Establishments where a central record will be maintained of all job descriptions.

- (i) This document provides the following benefits both to the job holder and to his organisation.
 - Clarifies the tasks which constitute each particular job and helps to determine when important tasks are not being carried out because they fall between two jobs.
 - Shows the areas of interrelation between jobs.
 - Helps with the process of job evaluation. Various posts can be analysed and compared and their relative worth determined.
 - Assist the staff development effort. Organisations are able to identify what skills need to be developed or attitudes and behaviours need to be corrected in relation to the performance of specific tasks.
 - Provides an outline of the post which can be issued to prospective employees.
 - Provides the job holder with a better understanding of what he is required to do as well as of the objectives of his job.
- (ii) The content of the job description includes:
 - Department/Ministry
 - Title of Post
 - Salary scale and Grading level
 - Duties of Post
 - Qualifications for Appointment and/or Training required

- Promotion outlet (Post and level)

N.B. *Some job descriptions will also include the name of the Supervising post (i.e. to whom responsible).*

- (iii) Depending on the nature of the job, the job description may contain a job specification which specifies objectives and the means of achieving them: for example, task elements, knowledge and skills and or qualifications required.

G. O & M REVIEWS

1. **Organisation and Method Reviews (O & M)** involve the systematic recording and critical examination of the factors involved in existing and proposed ways of doing work.
The primary objective of O & M reviews is to assist management in obtaining the optimum use of human and material resources available to an organisation for the accomplishment of its tasks.
2. O & M reviews seek to:
 - (i) Provide more and improved physical means of producing.
 - (ii) Improve methods of operation.
 - (iii) Increase manpower and cost effectiveness at all levels within the organisation.
3. The basic procedure for an O & M review follows the sequential activities of selecting the work to be studied; recording all the relevant facts relating thereto; examining the facts in the form of a systematic analysis of the purpose, place, sequence, person and means involved in doing a particular job; developing the most practical and efficient method(s) of doing the job; training staff; installing the methods developed and maintaining the method(s) employed by routine checks to ascertain the effectiveness of the method.
4. None of the sequential activities or stages can be omitted and strict adherence to their sequence and content is essential to the success of a study or review.
5. The success of an O & M intervention also necessitates the ready availability of pertinent information relating to the work which has been selected for study and the co-operation of the organisational participants involved.
6. It is the duty of every Senior Officer to familiarise himself with the latest O & M Report concerning his Ministry or Department. It will be advantageous for the Officer to cultivate an O & M attitude to the operations of his agency, and to be constantly aware of O & M considerations which will lead to the efficiency and effectiveness of his department. Such considerations will assist him in the task of justifying proposals for an increase in staff to the Establishments Division.
7. Attention is therefore invited to the reports of the O & M Adviser (1983-84) who has examined all departments in detail in order to define their responsibilities and functions and to recommend staffing levels and grades necessary to discharge those responsibilities. His reports include a schedule of the laws relating to each agency.

CHAPTER 11

STAFF MATTERS

A. ESTABLISHMENTS AND TRAINING

1. Responsibility for Establishments in the Civil Service is assigned to a division of the Department of Administration (formerly the Ministry of Manpower and Administration) and thus falls under the general direction and control of a Permanent Secretary who is the Accounting Officer for:

- (a) the Governor's Office
- (b) the Department of Administration itself
- (c) the Defence Force and
- (d) Supernumerary and seconded officers.

2. The Establishments Division comprises two Sections:

- 1) **Establishment:** headed by Assistant Secretary (Establishments) responsible for all regulatory aspects of staff management; and
- 2) **Personnel:** headed by Assistant Secretary (Personnel), who deals with individual aspects of staff management and welfare problems. Liaison between both sections of necessity needs to be very close. Detailed responsibilities of the two sections are as follows:

Establishment Section:

1. Absences of Officers from Montserrat.
2. Allowances - including Annual Review
3. Civil Service Associations - liaison with and negotiations (Note 3)
4. Colonial Regulations - application
5. Contracts of Service - form of, in consultation with Attorney General's Chambers
6. Conditions of Service for:
 - a) Local staff - permanent, pensionable and contract
 - b) Regional contract staff and seconded staff
 - c) OSAS staff and all Technical Cooperation Staff
 - d) VSO and Peace Corps Volunteers
 - e) Temporary staff and non-established employees (Note 2)
7. Correspondence and Public Business - Chapter 8 of General Orders
8. Cost of Living Index - recording
9. Establishment Circulars - issue and recording
10. General Orders - revision and upkeep
11. Government housing and allocation
12. Job descriptions
13. Master Staff list

- O & M Working Committee

9. Preparation, execution and registration of bonds for persons attending overseas education and training.
10. Private sector training - coordination.

NOTE:

Health, Police and Public Works Departments do much of their own technical training, but Training Division should liaise with the departments on training/policy and provide whatever assistance or advice is needed.

B. GENERAL ORDERS

1. It is essential that every civil servant have a thorough grasp of the Rules and Regulations which govern under the name of General Orders, the general conditions of service, and constitute a Code of Conduct for Civil Servants.
2. The provisions of the General Orders should be read in conjunction with all statutory provisions governing the conduct and conditions of the Civil Service.
3. General Orders are not intended to replace, in entirety, departmental instructions and staff rules issued by Permanent Secretaries or Heads of Departments since it is important that ministries and departments maintain instructions peculiar to the functioning of their organisations.
4. Departmental instructions should be consistent with the provisions made within the General Orders. Where there are points of departure, General Orders are to prevail over departmental instructions except in cases where the instructions have **Statutory force**.
5. Since General Orders inform the conduct and general conditions of service of Civil Servants, it is necessary for Permanent Secretaries and Heads of Departments to ensure that each employee within their organisations is conversant with the provisions.
6. The Revised General Orders (1984) cover the following topics:
 - (a) Appointments, Promotions and Transfers
 - (b) Conduct of Public Officers
 - (c) Political Activities
 - (d) Salaries and Allowances
 - (e) Overtime
 - (f) Advances, Subsistence, Travelling and other allowances
 - (g) Overseas Training courses
 - (h) Leave and Leave Passages
 - (i) Sick Leave
 - (j) Study Leave
 - (k) Resignation, Retirement and Terminal Benefits
 - (l) Correspondence and Public Business
 - (m) Government Quarters
 - (n) Miscellaneous
 - (o) Appendices to General Orders

7. Public Officers on whom any special responsibility is laid by General Orders (e.g. making monthly returns of leave, forwarding certain types of correspondence to central authorities, etc.) must be careful to see that the required action is carried out on time. Failure to do so impairs the efficiency of the public service and may therefore involve disciplinary action.

8. **Colonial Regulations**

Senior Officers should also be aware that Colonial Regulations (Part I. Public Officers and Part II. Public Business) which are Directions to Governors for general guidance apply to Montserrat as far as is consistent with the constitution of Montserrat or any other law of the territory.

9. **Circulars**

(i) A circular is a document issued by a central or other responsible authority as a means of formally communicating some matter throughout the Service.

Circulars may thus be issued for general information purposes or they may be issued in order to define, interpret or elaborate General Orders salary gradings, conditions or service, financial rules etc. or to convey instructions and/or deadlines for the submission of specific information e.g. estimates of revenue or expenditure, annual staff reports.

(ii) Every circular from the Ministry of Finance or Establishment must bear its own distinguishing number.

(iii) As the content of a circular may necessitate changes in procedures, Rules and Regulations, General Orders, Codes of Behaviour, etc., the information in the circular should be clear and specific and indicate where, if necessary, and from what period existing Rules and Regulations, Procedures, Codes of Behaviour need to be changed in order to reflect the requirements of the circular.

(iv) The central agency from which the Circular originates should ensure that the various Ministries and/or departments to which the communication is directed, receive such communication and that its content is clearly understood and acted upon.

(v) It is the duty of the Permanent Secretary and/or Head of Department to bring to the attention of all members of his or her staff the full content or the relevant section(s) of the circular.

C. PUBLIC SERVICE COMMISSION

1. The Public Service Commission (PSC) is a statutory body constituted under Section 3 of the Public Service Commission Ordinance.

Membership of PSC is limited to a Chairman and not less than two (2) nor more than four (4) members. The PSC meet as often as may be necessary for the purpose of performing its functions i.e. submitting its recommendations on personnel matters (appointment, transfer, promotion, discipline) to the Governor for his decision for control of these matters is vested in the Governor alone.

2. Questions may be decided by the Commission without a meeting by circulating the relevant papers among the members and recording the expression of their views in writing. In such cases, the decision taken must reflect the view of the majority of members.
3. The role and functions of the PSC are defined and regulated under the Public Service Commission Regulations as revised in S.R. & O. No. 37 1980 and apply to all officers in the Public Service except those listed in Part 1 Section 3 of those Regulations:
 - The Office of Attorney General.
 - Offices of which the holders are required to possess legal qualifications.
 - The office of the principal Audit Officer.
 - Offices in a Naval, Military or Air Force constituted by or raised under any enactment.
 - Any officer in the Royal Montserrat Police Force below the rank of Inspector.
4. The PSC Regulations also describe the role and function of the PSC as they relate to matters on:
 - Appointments
 - Promotions
 - Admission to the Public Service
 - Study leave and the award of scholarships for special training.
 - Discipline.
5. The Commission is required to submit its recommendations to the Governor for his decision on any personnel matter which he may refer for advice.
6. **Special Appointments**
 - (i) Appointments in the Legal Service are made by the Governor, after consultation with the Chief Justice. However, the appointment of the Attorney General must be ratified by the Secretary of State for Foreign and Commonwealth Affairs.
 - (ii) The appointment of the Financial Secretary, the Director of Audit and the Commissioner of Police are made by the Governor, after consultation with the Chief Minister and have to be ratified by the Secretary of State.
 - (iii) Before making his decision on the recommendation of the PSC in the appointment of a Permanent Secretary or Head of a Department, the Governor consults the Chief Minister.

D. TECHNICAL COOPERATION AND VOLUNTEER SCHEMES

1. **Technical Cooperation Committee**

Very few countries can meet all their manpower needs. In this respect Montserrat benefits from a number of technical assistance programmes, instituted by international

organisations and individual donor countries and organisations. To coordinate this assistance a Technical Cooperation Committee has been established as follows:

- | | | | |
|-----|------------------------|---|-----------|
| (a) | PS/Development | - | Chairman |
| (b) | Financial Secretary | - | Member |
| (c) | PS/Administration | - | " |
| (d) | Chief Training Officer | - | " |
| (e) | Economist | - | Secretary |
2. This Committee is responsible for allocating Technical Cooperation Manpower resources and advising on training priorities in the furtherance of the economic and social development of the Territory, in accordance with the procedures laid down in Establishment Circular No. 11 of 1984.
 3. The Categories of T.C. staff that should be referred to the Committee for recruitment or retention are as follows:
 - (a) OSAS, British T.C.O's, Overseas Service Experts and Volunteers.
 - (b) CUSO and Peace Corps Volunteers.
 - (c) CFTC, CARDI, UNDP Advisers and EDF Experts.

E. SECONDMENTS

1. An Officer in the Public Service whose services are required temporarily in another post with the intention of reverting to his substantive grade in a post in the Civil Service may be seconded. He then holds his appointment in the Civil Service but not necessarily his post in the department from which he is seconded.
2. The secondment of an officer must be recommended by the Public Service Commission and sanctioned by the Governor. The Terms and Conditions of Secondment must be clearly set out by the Public Service Commission. Such Terms and Conditions may include:
 - The period of secondment.
 - The payment of salary and or allowances.
 - Procedures for safeguarding pension rights and extension of secondment period.
3. During the period of secondment, it is the responsibility of the Ministry, department or organisation to which the officer is seconded to keep a record of the officer's performance, leave, etc., as would have obtained in the officer's substantive organisation.
4. A copy of such record should be submitted to the appropriate organisation, so that the personal record of the seconded officer may be updated during the period of secondment.
5. The period of secondment of an officer can be terminated at the request of the Ministry, department or organisation which required the officer's services, subject to the conditions and terms of secondment.

F. STAFF APPRAISALS AND REPORTS

1. Staff Appraisal refers to the process of evaluating the performance or potential of employees within an organisation.

CEREMONIAL AND PROTOCOL

- ★

CHAPTER 13

OVERSEAS COMMUNICATION

1. All communications with other governments other than on regional affairs emanate from the Governor's office, unless the Governor delegates authority to reply to the Ministry or agency concerned in respect of information that is purely factual or technical. Policy matters or matters of major importance must be reserved for the Governor who will consult as necessary with the Ministry having portfolio responsibility.
2. It is to be remembered that policy matters relating to external affairs, defence, security and aid as well as certain Judiciary and Public Service matters will require the decision or approval of the Secretary of State (U.K.), unless authority has been delegated.
3. The Chief Minister's office is responsible for co-ordinating policy matters in consequence of its responsibility for Regional Affairs although specific subjects will be passed to the relevant Ministry and any correspondence involved will be routed through the Chief Minister's Office.
4. The procedure for dealing with outward letters, despatches and outward telegrams are set out in Appendix VI of the Montserrat Civil Service Handbook of Registry Procedures (April 1984).
5. Overseas communication may take various forms depending on the nature of the message to be transmitted. The most common forms are:
 - Telex
 - Cable
 - Savingram
 - Diplomatic Note
 - Despatches to S.S.
 - Telephone
 - (a) Telex
 - (i) Communication through the telex machine is transmitted when urgent and priority messages need to be sent or answered.
 - (ii) The telex message must be clear and sufficiently informative so as to leave the receiver in no doubt as to what the message entails as well as to the kind of action required, if necessary.
 - (iii) Although there is need for clarity, telex messages may be encoded depending on the nature of such messages (e.g. Defence and Security). It is important, therefore, that the receiver is knowledgeable of, and conversant with, the code being used.
 - (iv) Telex messages may be of any length, but payment for the transmission is costed on a **per minute basis**.

(b) **Cable**

- (i) Similar to the telex, communication through the cable system is also transmitted when urgent and priority messages need to be sent and responded to.
- (ii) Unlike the telex, however, payment for the transmission of a cabled message is costed on a word basis.

(c) **Savingram**

- (i) The transmission of messages by Savingram must be channeled by the Ministry or department responsible through the Governor's office unless the Governor authorises otherwise or, in the case of Regional Affairs, through the Chief Minister's Office.
- (ii) Such messages will be checked and edited, if necessary, in order to ensure that the messages transmitted reflect, among other things, the proper manner in which it should be written.
- (iii) The Savingram may be of any length and may be used to explain in detail, items of information contained therein.
- (iv) Since Savingrams are used for transmitting information from one Government to another Government, neither 'I' nor 'we' should be used (for example: The Government of Montserrat is pleased...)

(d) **Diplomatic Note and Despatches**

Diplomatic Notes and Despatches to the Secretary of State (U.K.) are the responsibility of the Governor.

(e) **Telephone**

The overseas telephone service is being used increasingly. It is expensive and its use must be strictly controlled in every Ministry and Department. Every call must be authorised and be recorded in detail in the logbook immediately after it is made.

6. **General Instruction**

The text and transmission of every message by Telex, Cable or Savingram must be authorised by the Permanent Secretary or other officer designated by him for the purpose.

★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★

CHAPTER 14

INTERNAL COMMUNICATION

1. Internal Communication involves the sending and receiving of messages within the organisation. Formally, these messages are conveyed through:

- (a) Minute
- (b) File
- (c) Meeting and note of meeting
- (d) Periodic report
- (e) Form
- (f) Incoming correspondence, usually through an inter-Ministry memorandum or circular.

2. (a) **Minute**

- (i) A minute should be **clear, concise** and sufficiently **informative** so that both sender and receiver are left in no doubt as to what action is required.
- (ii) It should indicate to whom the message is sent and **from whom** as well as the date on which it has been sent.
- (iii) A minute should also indicate the **kind of action** which needs to be taken and, if applicable, the **time frame** in which a reply is required.
- (iv) As some minutes contain information which will assist in the making of a decision, the writer should be thorough in:
 - Recording the key facts of the situation.
 - Providing sufficient information on which to base an analysis.
 - Providing whatever inputs he or she may consider necessary and which may have an effect on the outcome of the decision.
 - Providing sound recommendations based on the information and analysis provided.

NOTE: *The use of Red ink is reserved for the Governor and Green ink for the Audit Department.*

(b) **Files**

- (i) A file represents a collection of papers on a particular subject.
- (ii) A systematic '**file movement record**' enables the officer in charge of files to know their location at any point in time.
- (iii) Considerable care should be taken regarding the use and treatment of files since they represent a historical account of a particular activity or subject area in which the organisation is engaged and are also used as **points of reference** to facilitate decision-making.
- (iv) A daily file of outgoing correspondence may also be used as a means of circulating information within a department.
- (v) The Governor, the Financial Secretary and the Director of Audit may send for and must be supplied with such files as they may wish to peruse.
- (vi) When a matter is being referred to the Attorney General's office care must be taken to see that all relevant information is included in the files.

- (vii) When a matter of importance is being addressed to the Governor or when a draft letter is being submitted to the Governor for his signature, it is usually correct to make the submission on file. In certain cases, it may be appropriate, for the purposes of record, to send a memorandum in addition.
- (c) **Meetings**
- (i) The proceedings of meetings should follow a predetermined agenda to ensure proper management of time.
 - (ii) The agenda should be circulated well in advance of the meeting so that those attending would have a foreknowledge of the purpose or business which require their attention.
 - (iii) A paper on each item to be discussed should be available beforehand with a clear indication of the decision to be taken.
 - (iv) The proceedings should be recorded by a person designated for such a purpose.
 - (v) The recorded minutes should be circulated to the persons who attended the meeting so as to ensure that the matters discussed have been recorded accurately.
- (d) **Periodic Reports**
- (i) Periodic reports are submitted to the management of the organisation and or to appropriate authorities on a monthly, quarterly, half-yearly or annual basis depending on the nature of the information.
 - (ii) Periodic reports normally take the form of progress reports on particular activities, confidential staff reports, appropriation accounts or other financial statements etc.
 - (iii) Whatever the nature of the periodic reports, careful attention must be given to their accuracy, reliability and information content as well as to the time frame in which they are to be submitted.
 - (iv) For ease of reference, the paragraphs of a report should be numbered.
- (e) **Standard Forms**
- (i) These forms are used for recording routine or specific items of information.
 - (ii) Because of their inflexibility, standard forms need to be revised from time to time in order to take account of information pertinent to a particular activity or situation.
 - (iii) Each form should bear its own number.
- (f) **Incoming Correspondence**
- (i) Incoming correspondence refers to letters, memoranda, circulars, files, cables, telex, etc., which come into the organisation on an ongoing basis.
 - (ii) These items of information need to be systematically recorded and routed to the appropriate personnel who have to deal with their content.
 - (iii) Incoming correspondence should be responded to as quickly as possible so as to avoid the problems of communication lags, etc.

CHAPTER 15

EXTERNAL AND REGIONAL AFFAIRS

1. Under the terms of the constitution the subject of external relations is reserved for the Governor. However the fact that Montserrat was a part of the Leeward Islands Federation and then a member of the 1958-62 West Indies Federation has given background and sanction to the involvement of Ministers of Government in the activities and deliberations of regional bodies such as CARICOM and its associate institutions and standing ministerial committees or conferences and the OECS.
2. Since the Ministers do not have the power to sign international agreements or treaties without the sanction of the Secretary of State, it is incumbent on them and their civil service advisers including the Regional Affairs Officer in the Chief Minister's Office to inform the Governor concerning any regional activity in which they may be participating and which has external affairs implications.
3. It is essential that all members of the Public Service acquire knowledge of the regional bodies mentioned above (CARICOM and OECS) and their associate institutions. Individual Ministries will have to develop special familiarity with the policies and activities of regional bodies operating within their portfolio responsibilities. For example, the Ministry of Education will need to keep up to date its information about the University of the West Indies and the Caribbean Union of Teachers while the Ministry of Health must be aware of the resources of the PAHO/WHO Caribbean Programme Co-ordinator, the Caribbean Epidemiology Centre, (CAREC) the Caribbean Food and Nutrition Institute (CFNI) and the many regional professional association in Health.
4. Descriptions of CARICOM, OECS, CARICAD are given at Appendix F.

CHAPTER 16

OFFICE PROCEDURES AND ORGANISATION

A. GENERAL

1. The office is at the heart of the operation of a Ministry, regardless of the sphere of operations of that Ministry. The office provides the essential services of communicating, recording, arranging, analysing and giving information to enable a Ministry to maintain its efficiency and effectiveness and especially to develop the capacity for responsiveness to its external and internal movement.
- * 2. The proper organisation of the office and the employment of effective procedures are necessary for the achievement of its objectives.

B. OFFICE ORGANISATION

1. Office planning and lay-out are the key to effective office organisation.

The following benefits are possible from a well planned and laid out office:

- Economy in the use of floor space.
- Smoother work flows.
- Improved control of operations.
- Improved communications through the elimination of unnecessary paperwork and unnecessary physical movement of personnel.
- Organisation for more efficient use of office equipment.

In connection with office layout, mention should be made of two styles of layout: (1) the open plan system and (2) the panoramic system.

2. In the open plan system the smaller individual offices are replaced by desks set in an open hall arrangement. This system can achieve:
 - Better economy in the use of floor space by the removal of walls.
 - Better supervision of staff as supervisors are located with the staff they control.
 - A reduction in the movement of staff and documents through appropriate location of sections within the open plan system.
 - Optimum layout of work stations both for patterns of communication and for work flow.

An assessment should be made of how this type of layout and the impersonality of this working environment adversely affects the morale and productivity of individuals accustomed to working in their own offices.

3. The panoramic office system is usually referred to as office landscaping because one of its basic tenets is that the office should be pleasant in appearance and working atmosphere in addition to being efficient. Attention is paid to carpeting and wall covering and plants are generously used. Apart from these emphases it is basically along open plan lines.

4. Attention of senior officers is to be directed to Appendix XII, "Some Principles of Good Office Layout" of the Montserrat Civil Service Handbook of Registry Procedures (April 1984).

C. PROCEDURES

1. Whatever the concept underlying office layout, the objective is mainly the improvement in efficiency in work flows and in communication, the encouragement of relevant inter-relationships among personnel and the boosting of employee morale. A well laid out office will facilitate the design and application of procedures for achieving these objectives.
2. In the Government Administration of Montserrat the Registry is the main office unit. All documents and correspondence coming in and going out, except classified correspondence, pass through the Registry. Moreover, the Registry is the repository for all the files containing the various issues and cases and policy decisions affecting the Ministry and the Government administration as a whole. It is vitally important that this life-line to the Ministry is itself well organised and follows suitable procedures. These procedures should preferably be detailed for the guidance of all.
3. In drawing up details of registry organisation and procedures special attention should be paid to the *Handbook of Registry Procedures (April 1984)*.
4. Periodically a review of office procedures and organisation should be undertaken to determine what modification or changes in operational arrangements are necessary. Questions to be asked should include:
 - How is the work distributed?
 - What are the requirements of the work stations?
 - What are the office equipment requirements?
 - What are the patterns of work flows?
 - How effectively and efficiently are records and data being retrieved?
 - Is there evidence that the records are not being kept up-to-date?
5. The advancement in technology has increasingly been influencing office systems and procedures. The trend towards automation, the application of the computer and of computer related machinery to the office will inevitably continue. There is a need for both senior officials and operational staff to familiarise themselves with these new systems which are applicable to their situations and to be ready to introduce them where greater efficiency and effectiveness will result. Training and exposure will therefore be the key to ensuring that the office is kept a most efficient unit within the organisation.

★★★★★★★★★★★★★★★★

CHAPTER 17

DEFENCE, SECURITY AND DISASTER-PREPAREDNESS

1. The Montserrat Letters Patent 1959 reserve the subject of Defence and Security for the Governor. Accordingly the Commanding Officer of the Defence Force and the Commissioner of Police are responsible directly to the Governor who may call on the Commanding Officer to embody the Defence Force under the Defence Force Act (Cap.162) if he thinks the situation warrants such action. The Governor also has the power to proclaim a state of emergency under the Leeward Islands (Emergency Powers) Order 1959.
2. In case of such a proclamation the Governor may take such action and make such orders as he consider necessary for the maintenance of public order and services essential to life and to restore the country to normal conditions.
3. The Governor is not obliged to obtain the advice of the Executive Council but where possible he would normally exercise this power only after consultation with the Chief Minister. However, if the emergency and the circumstances are such as to warrant urgent action without consultation, the Governor would make the proclamation and subsequently inform the Chief Minister of his action and intentions.
4. The Governor therefore, either directly or by delegation, will make or cause to be made suitable arrangements through a centrally coordinated plan in particular against the onset of natural (e.g. hurricane, fire, flood) or other disaster in order to obviate or mitigate the effects of the disaster. It has been shown, time and again, that a plan can reduce the effects of catastrophe.
5. Every Head of a Department has the responsibility to make a disaster-preparedness plan such as will aim at the safety of the agency itself, and provide for the continuity of its services and at the same time will be in keeping with the central plan.
6. Every senior officer of Government must be familiar with the central plan and the departmental plans and must hold himself ready to carry out his assignments. He must also ensure that his subordinates understand what will be required of them in time of emergency or the approach/threat of an emergency.
7. The plan will show the steps which are to be taken before, during and after the onset of disaster and arrangements will be made for practice drills in these procedures.
8. Disaster-preparedness also includes a sound knowledge of the procedures necessary to take advantage, in respect of such disasters as oil-spills, or international conventions to which Montserrat has been made a party by the U.K. Government.

★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★

CHAPTER 18

FINANCE

A. FINANCIAL CONTROL

1. Regulations governing the control and management of Public Finances in Montserrat are set out in the Finance (Control and Audit) Ordinance of 1972.
2. These Regulations, among other things, set out broadly the powers and duties of the Minister, the powers and duties of the Financial Secretary, the duties of Accounting and Accountable Officers as they relate to the control and management of Public Finances.
3. Generally, it is the exclusive right of the Legislative Council through the provisions of the Finance (Control and Audit) Ordinance, the Legislative approval of the Estimates of Expenditure and the enactment of the Appropriation Ordinances to authorize public expenditure.
4. It is not within the competence of any Government Minister, Officer or other official to vary the pattern of spending as approved in the Estimates or to initiate or incur public expenditure which is not covered by a prior authority of the Legislative Council.
5. In certain exceptional cases arising from instances of national emergency or of essential requirements in the public interest or due to delays in completing the appropriation before the commencement of a Financial Year, the Ordinance empowers the Minister of Finance on his own responsibility to authorize the necessary public expenditure to meet these eventualities.
6. Regarding (5) above, the law requires that the Minister of Finance obtain the retrospective authorisation by the Legislative Council for the action he has taken and an appropriation of the necessary provision to meet the expenditure he has incurred.
7. In order to allow for some flexibility in the pattern of public expenditure, provision is included in Section 36 of the Finance (Control and Audit) Ordinance as well as under Rule 10 of the Development Fund Rules.
8. With regard to the day to day control of Expenditures and Revenues, it is the responsibility of all Accounting Officers to:
 - Ensure that a proper system of accounts is established and maintained within their Ministries and departments.
 - Ensure that all monies received and paid by government are promptly and properly accounted for.
 - Ensure that, in so far as is practicable, that adequate provision is made for the custody of public monies, stamps, securities, revenue receipt books, licences and valuable documents etc.Institute mechanisms which allow for the proper supervision regarding the receipt of public revenue and to ensure it is collected with the least possible delay.

- Bring promptly to account under the proper heads and subheads all monies received and to pay same into the Treasury, with least possible delay.
 - Carry out efficient checks, including surprise inspections of all cash, etc., which may be in their custody so as to ensure that the systems of control instituted provide full and effective protection against losses and irregularities.
 - Report to the Financial Secretary any irregularities which may be found as a result of such checks.
9. In addition, every Accounting Officer is required to obey all regulations made and all directions given under the Ordinance, and all Financial Orders, Stores Rules and other instructions which may from time to time be issued by the Accountant General in respect of the custody and handling of and the accounting for public monies, stores etc., whether the property of the Government or on deposit with or entrusted to the Government or to any public officer in his official capacity.

B. ESTIMATES

1. The Budgetary Process in Montserrat requires the Government to estimate each year the cost of goods and services necessary for the efficient administration of the country.
2. The Government is also required to estimate its income and to ensure that the revenue will be sufficient to meet required expenditure or that sufficient financial aid is available to cover estimated deficits.
3. Development Fund estimates must also be prepared to show the cost of the various development projects to be undertaken during the year and the source of funds from which expenditure is to be met.
4. Section 6 of the Finance (Control and Audit) Ordinance requires that the Minister of Finance cause to be laid before the Legislative Council before the commencement of each financial year, estimates of revenue and expenditure of the Government for the following financial year.
5. Rule 7 of the Development Fund Rules provide that the Development Fund Estimates shall form part of the annual Estimates of Revenue and Expenditure of the Government.
6. Accounting officers must ensure that their draft estimates are realistic and accurate and will be held responsible if any expenditure which could reasonably have been foreseen is overlooked.
7. Proposals for any new service or expansion of an existing service including an increase in establishment or an upgrading may be included in the draft estimates only if prior approval in writing of the Ministry of Finance is obtained. It is to be remembered that proposals for an increase of staff will have to be examined by the Establishments Division on the basis of the O & M Report or O & M considerations.
8. The volume of estimates usually includes:
 - Estimates of Government Revenue along with the actual Revenue of the year next but one preceding and the Revised Estimate for the preceding year.

- Estimates of expenditure on the consolidated Fund Services along with the actual expenditure of the year next but one preceding and the revised estimates for the preceding year.
 - Estimates of expenditure on the Supply Service along with the actual expenditure of the year next but one preceding and the revised estimates for the preceding year.
 - Estimates of revenue and expenditure on the Development Fund, including services of aid funds related to projects.
 - Estimates of revenue and expenditure in respect of commercial undertakings.
 - Details of the establishment of every Government Department and Ministry.
9. Sections D9-D23 of the Financial Orders Part I of the Colony of Montserrat set out in detail the requirements regarding the preparation of the estimates as indicated at (8) above and the need for accompanying explanatory notes.

C. FINANCIAL ORDERS

1. The "Financial Orders of Montserrat" is a document issued in accordance with the provisions of Section 15 of the Finance (Control and Audit) Ordinance No. 17 of 1972, and as such have the full force and backing of the law.
2. The orders are intended to clarify and amplify the various rules, regulations and instructions as set out in the Ordinance but within the general framework of the terms and provisions of the Legislation.
3. The orders are compiled in two parts (Part I - Public Money and Part II - Public Stores) as indicated on the next page.

Part I - Public Money

CONTENTS	SECTION	PAGE
Preface	-	3
Contents	-	4
Introduction	-	5
Responsibilities for Finance and Accounts	A	9
The Audit of the Public Accounts by the Director of Audit	B	13
The Receipt and Expenditure of Money	C	15
Authorities for Expenditure	D	21
Control of Expenditure	E	33
Payments	F	37
The Collection of Revenue	G	47
Revenue Receipt Books	H	57
Loan Accounts	I	61
Bank Accounts	J	63
Imprests	K	65
Custody and Security of Public Money and Stamps	L	69

The Accounts	M	73
Loose Leaf Sheets and Cards	N	83
Losses of Public Money and Abandonments		
Remissions of Revenue	O	85
Boards of Enquiry	P	89
Boards of Survey	Q	91
Handing-Over Procedure	R	93
Contracts for Works and Services and		
Tenders Board Procedure	S	97
Undertakings of a Commercial Nature	T	103
The Repeal of Previous Instructions and Stores		
Rules	U	105
Index	-	107

Part II - Public Stores

Stores Rules

Contents	Section	Page
Contents	-	3
Responsibilities for the Care and Custody of Public Stores	A	5
The Classification of Stores and Other Moveable Property	B	9
Stores Vouchers	C	11
The Receipt of Stores	D	17
Loose Leaf Sheets and Cards	E	21
Accounting Procedure for Allocated Stores	F	23
Accounting Procedure for Unallocated Stores	G	27
Stock Verification	H	37
Condemnation and Disposal of Stores	I	41
Losses of Public Stores and Property	J	45
The Handing-Over of Public Stores	K	49
Loan, Hire and Sale of Plant, Equipment and Stores	M	55
Plant, Equipment and Tools	N	63
Livestock Records	O	67
Government Furniture and Office Equipment	P	69
Government House Furniture and Effects	Q	73
Accidents Involving Government Vehicles and Plant	R	75
The Repeal of Previous Stores Rules	S	77
Index	-	79

4. It is the duty of all Accounting Officers to ensure that all officers under their control are

fully conversant with the financial procedures and requirements embodied in the Financial Orders and that all officers to whom Financial Orders are issued keep them up to date at all times.

D. AUDIT

1. The Audit of all Public Accounts in Montserrat is the responsibility of the Audit Department of the Country.
2. The status of the Audit Department and the powers and duties of Audit Officers are derived from the statutory position of the Director of Audit who is head of the department.
3. In accordance with the provisions of the Finance (Control and Audit) Ordinance, the Director of Audit is required to examine, enquire into, audit and report on:
 - The Accounts of the Accountant General and all Accounting Officers and all Accountable Officers (Section 47).
 - The annual public accounts of the Colony (Section 55).
 - The accounts of the Development Fund (Development Fund Rule II).
 - The accounts of all Special Fund, and Trust or other Funds and accounts administered by any Government Officer as prescribed in Sub-section 54(2). (Section 55).
 - The accounts of any Corporate body established by Ordinance and if the Legislative Council by resolution so directs, any Statutory Board, Body or Commission which is not incorporated:
 1. which is in receipt of a contribution from the Public Funds of the Colony; or
 2. the operation of which may impose or create a liability upon the Public Funds of the Colony (Section 59).
4. The Director of Audit is also responsible for auditing and reporting upon the accounts of any organisation or body where the Director of Audit is prescribed or appointed as the Auditor under the terms of the legislation establishing the organisation or body concerned.
5. The duties of the Director of Audit require him to satisfy himself that:
 - All reasonable precautions have been taken to safeguard the collection and custody of revenue and that the Ordinances, directions and instructions relating thereto have been duly observed.
 - Monies which have been appropriated and disbursed have been applied to the purposes for which they were appropriated, and that the expenditure conforms to the authority which governs it.
 - Public monies other than those which have been appropriated have been dealt with in accordance with proper authority.

All reasonable precautions have been taken to safeguard the receipt, custody, issue and proper use of cash, stamps, securities and stores, and that the regulations, directions and instructions relating thereto have been duly observed; and

 - Adequate regulations, directions or instructions exist for the guidance of Accounting

Officers and Accountable Officers.

6. The common procedures and techniques to be followed by Audit Officers are set out in the Audit Manual and is a confidential document for use only within the Audit Department.
7. To facilitate the exercise of the duties of the Director of Audits', all Accounting Officers and Accountable Officers are required to make available any documents which are deemed necessary by the Director of Audit to satisfy his audit requirements.
8. The Director of Audit must report any material inaccuracies, defects or omissions found in his audit of the Accounts as a qualification to his audit certificate.
9. Reports have to be forwarded to the Governor at the presented times.

E. CONSOLIDATED FUND

1. The Consolidated Fund is established by Sections 3 and 4 of the Finance (Control and Audit) Ordinance, 1972 as the one revenue fund for Montserrat. All revenues and other monies received or raised for the purpose of the Government must be paid into and form this one Consolidated Fund unless they are payable by or under any law into some other fund.
2. Section 5 of the Ordinance controls the payments which may be made from the Consolidated Fund - the principal source of expenditure being payments made under the authority of the Appropriation Ordinance.

F. SPECIAL FUNDS

1. Section 10 of the Finance Ordinance provides that the Legislative Council may with prior approval of a Secretary of State (U.K) establish Special Funds in an Appropriation Ordinance as Funds distinct and apart from the Consolidated Fund.
2. Section 27 and 28 provide for the administration and dissolution of special funds respectively while the First Schedule of the Ordinance identifies existing Special Funds.

G. CASH IMPREST

1. Section 25 of the Finance Ordinance allows the Minister of Finance to authorise the Accountant General to issue imprests from the Consolidated Fund to public officers.
2. These imprests are really advances of limited sums of money intended to defray expenditures on repetitive minor items from month to month (e.g. postage stamps) for which the issue of individual payment vouchers would be burdensome.
3. Before the end of the financial year the responsible public officer must retire the imprest.

H. PUBLIC ACCOUNTS COMMITTEE

1. The following description of the Public Accounts Committee is taken from the Audit Manual of the Audit Department.

THE RELATIONSHIP OF THE AUDIT DEPARTMENT AND THE PUBLIC ACCOUNTS COMMITTEE

1. The Public Accounts Committee is a Standing Committee of the Legislative Council and its composition, appointment, duties and powers are prescribed in Order No. 65 of the Standing Orders of the Montserrat Legislative Council, Statutory Rules and Orders No. 6 of 1972.
2. The Committee is required to be appointed by the Speaker at the first meeting of any session of the Legislative Council, or as soon thereafter as practical. The composition of the Committee is:
 - (a) three members chosen by the Speaker from among the official and unofficial members of the Council; and
 - (b) one member chosen by the Speaker from outside the Council from among persons with commercial or accounting experience. This member has no voting rights in the proceedings of the Committee.
3. The Chairman is appointed by the Speaker from the official or unofficial members of the Committee (see (a) above) and following the British practice the Chairman is usually a member of the opposition party or a nominated member of the Council.
4. The Public Accounts Committee adopts a non-party attitude to its work and thus seeks to make unbiased financial criticisms whatever Government is in power.
5. The duties and powers of the Public Accounts Committee are:
 - (a) to ascertain that the authorised expenditure during each financial year, including supplementary expenditure, has been applied to the purposes prescribed by the Legislative Council;
 - (b) to scrutinise the causes which may have led to any excess over the authorised expenditure, and to verify applications of savings on other authorised items of expenditure;
 - (c) to make an effective examination of public accounts kept in any Government Ministry or Department;
 - (d) to summon any Public Officer; to give any information or any explanation, or to produce any records or documents which the Committee may consider necessary in the performance of its duties.
6. Section 56 of the Finance (Control and Audit) Ordinance provides that the prescribed audited annual Statements of Account together with the Director of Audit's Report thereon shall be laid before the Legislative Council, and section 57 provides for them to be referred to the Public Accounts Committee to be dealt with in the manner prescribed by the Legislative Council Standing Orders.
7. Section 9 of the Finance (Control and Audit) Ordinance and Rule 11(2) of the Development Fund Rules make specific provisions for Expenditure in Excess on the Consolidated Fund and the Development Fund at the close of account for any financial year to be examined and reported upon by the Public Account Committee.

8. The Public Accounts Committee has no executive power but in accordance with the Standing Orders it is required to report to the Legislative Council from time to time. The Committee's reports take the form of conclusions, expressions of opinion and recommendations for alterations of practices to avoid the repetition of occurrences which have provoked criticism. If and when the Committee's reports and recommendations are adopted by the Legislative Council they virtually become directives to the Executive.
9. In due course the Ministry of Finance presents a Treasury Minute to the Legislative Council reporting the action which has been taken on the adopted recommendations of the Public Accounts Committee, or in the exception giving the reasons why it has not been possible to implement any recommendation. The Treasury Minute is then referred to the Public Accounts Committee for confirmation of the progress made in implementing the accepted recommendations, and, if it thinks fit, to pursue any which have not been accepted.
10. Although the terms of reference of the public Accounts Committee place considerable emphasis on its responsibility to satisfy itself on the accounting for the regularity and propriety of public expenditure, the Committee is also required to make an effective examination of public accounts thus bringing public revenue and stores and below-the-line accounts within its responsibilities. All of these aspects of public accountability are included in the responsibilities of the Director of Audit, and therefore the Committee usually concentrates its enquiries on matters appearing in the Director of Audit's Reports and in the statements of Excess Expenditure, although members can and do raise questions on any other aspect of the accounts before them.

★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★

CHAPTER 19

AID AND DEVELOPMENT

1. The Development Plan is prepared by the Development Unit in the Ministry of Finance in consultation with other Ministries and departments and it is approved by the Executive Council and laid before the Legislative Council. The plan is reviewed annually at the time when estimates are being prepared and it is rolled over to the next year. Projects to be implemented in the year are described in the Estimates under the Development Fund votes.
2. Consequently, all AID matters are dealt with by the Development Unit. No other Ministry/Department is therefore empowered to deal directly with donors or approve projects, unless specific delegation has been made. If an offer of aid is received it must be referred to the Development Unit, which, with its Economic and Statistical Divisions, is responsible for implementing policies designed to promote the infrastructural and social development of Montserrat, the promotion of investment in the territory, the management of government investments and the keeping of relevant Government statistics.
3. Among the instruments of development are to be listed:
 - Montserrat Industrial Enterprises Ltd.
 - Montserrat Electricity Services Ltd.
 - Montserrat Sea Island Cotton Company Ltd.
 - Montserrat Aviation Services Ltd.
 - Emerald Isle Leatherworks Ltd.
 - Montserrat Development Finance and Marketing Corporation
 - Montserrat Land Development Authority

The Port Authority and the Water Authority which report to the Ministry of Communication and Works are also to be considered as instruments of development.

4. Section 29 of the Finance (Control and Audit) Ordinance establishes the Development Fund. Into this Fund will go the following:
 - Monies appropriated by law out of the Consolidated Fund for the purpose of the Development Fund.
 - Grants or loans for development aid from Her Majesty's Government.
 - Monies received from other sources for the purposes of the Development Fund.
 - Loans raised by the Government for the purposes of the Development Fund.
5. The Fund must be kept by the Accountant General in a separate account and is not a part of the Consolidated Fund.

The Second Schedule of the Finance Ordinance regulates the use of the Development Fund.
6. Montserrat receives external financial aid from the following sources:

CHAPTER 20

STATUTORY AND OTHER AUTHORITIES

1. There is, in addition to the Civil Service Departments, a wide range of Government controlled enterprises ranging from statutory bodies performing a public service to commercial enterprises where Government is the sole or the main shareholder. Other terms in common use are "public enterprises", "parastatal organisations", and "government companies".
2. Public enterprises are created for a variety of reasons including the stimulation of economic growth, development of priority sectors of the economy, acquisition by the Government of enterprises previously owned by non-nationals or external agencies, investment in a sector not attracting private capital, but considered vital to the economy, pursuit of specific political or social objectives through direct Government intervention and support for economic recovery in a time of crisis. In countries which are in the early stages of development there appears to be a pre-determined role for public enterprises in undertaking important activities and essential services that might never be performed if left to private capital.
3. The public enterprise is chosen as the best organisational entity for these purposes for a variety of reasons. Essentially it enables Government to retain policy and financial control over an enterprise, while at the same time permitting it to operate independently of civil service rules and regulations. Thus the organisation is able to offer higher salaries when necessary to attract qualified managerial and professional personnel, take commercial considerations into account and take decisions easily and promptly without the necessity of going through the usual ministerial channels for approval. At the end of a financial year unspent funds will not as in the Civil Service departments, lapse automatically.
4. Formal relationships with Government generally involve matters relating to:
 - (i) Appointment of the Chief Executive Officer and the Board of Directors.
 - (ii) Approval of capital programmes.
 - (iii) Approval of annual budgets.
 - (iv) Issue of general policy directives or guidelines.
5. A device used in Montserrat as in some other countries is to appoint the Permanent Secretary in the relevant Ministry as Chairman or member of the Public Enterprise in order to maintain active channels of communication between the Enterprise and the Ministry.
6. The responsible Ministry will submit its recommendations for the appointment of the Board and its manager to the Governor-in-Council for approval.
7. In view of the public ownership of the enterprise and the executive's accountability to the Legislature members of Parliament are entitled to scrutinise the performance of

public undertakings both in overall and in specific matters. Thus the accounts must be audited and the Director of Audit may be called upon to audit the accounts of public enterprises.

8. The Manual on Government Organisation and Functions, 1984 shows under each Ministry and Department those statutory and other authorities, boards and committees for which the Ministry or Department is responsible and accountable. These are classified in four main groups as follows:

- A. Government Companies - set up under the Companies Ordinance;
- B. Statutory Management Boards - each derived from a specific legislative authority;
- C. Administrative Boards - mostly as a result of legislation but a small number through administrative decision;
- D. Advisory Boards - some set up by legislation and some by administrative decision.

9. Lists may therefore be compiled as follows:

A. **Government Companies**

Montserrat Industrial Enterprises Ltd.
Montserrat Sea Island Cotton Co. Ltd.
Emerald Isle Leatherworks Co. Ltd.
Montserrat Electricity Services, Ltd.
Montserrat Aviation Services, Ltd.

B. **Statutory Management Boards**

Labour Tribunal	Ord. 1979/19
Government Housing Loans Board	Ord. 1968/24
Montserrat Development, Finance & Marketing Corporation	
National Provident Fund	Ord. 1972/8
Montserrat Port Authority	Ord. 1967/14
Montserrat Water Authority	Ord.
Montserrat Land Development Authority	Ord. 1971/9
Montserrat National Trust	Ord. 1969/11

C. **Administrative Boards**

Prison Visiting Committee	Cap. 194
Tenders Board	Financial Orders
Boards of Film Censors	Cap. 262
Nurses and Midwives Board	1974/1
Agricultural Rent Board	Cap. 89
Development Control Authority	1975/27
Forestry Board	Cap. 95
Agriculture Land Authority	Cap. 87
Air Transport Licensing Board	Cap.
Accident Disciplinary Board	
Public Assistance Board	

D. Advisory Boards

Public Service Commission

Cap. 223

Labour Advisory Board

1979/19

Montserrat Transport Board

Cap. 249

Government Housing Committee

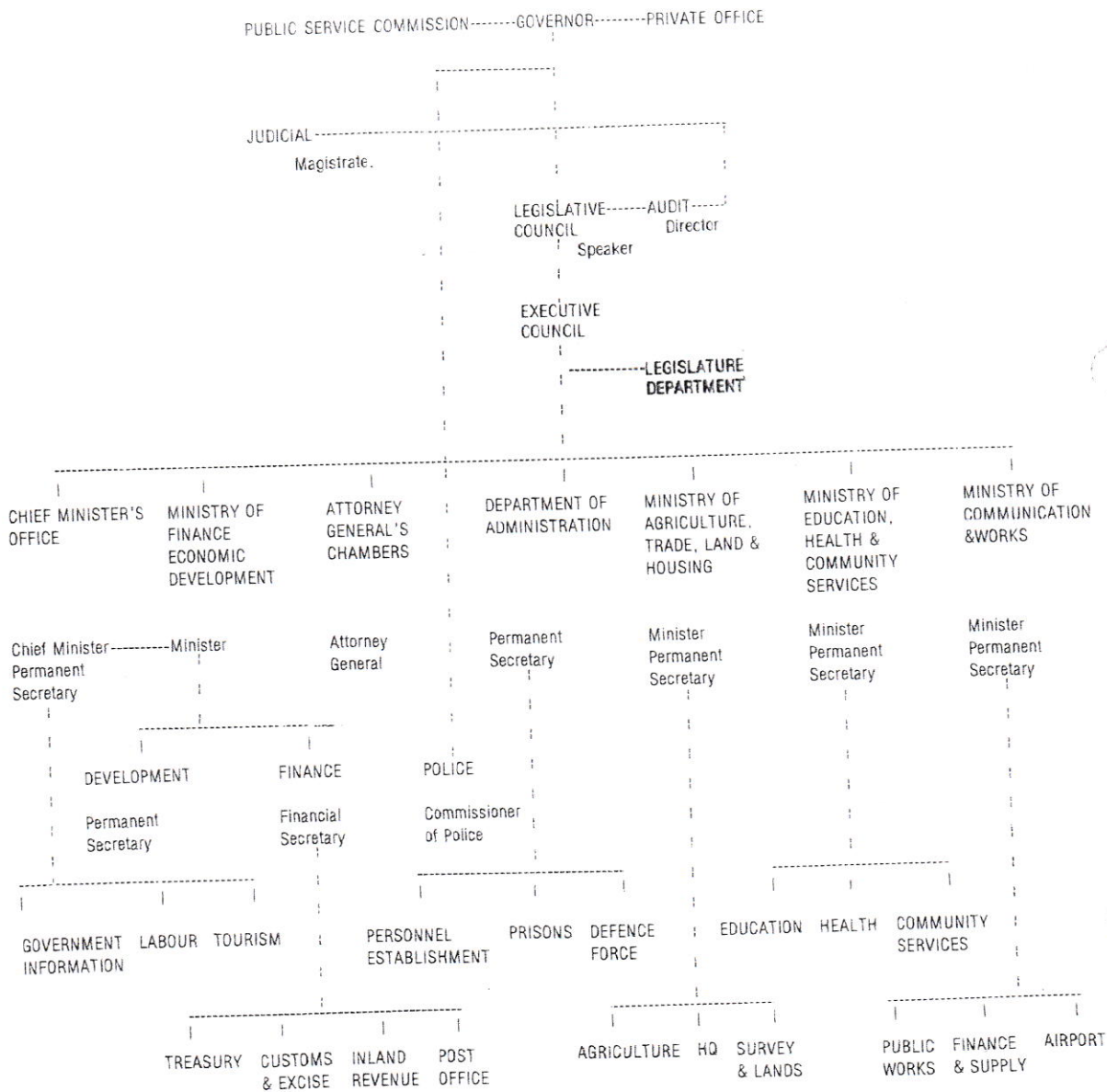
Gen. Orders

Disaster and Emergency Advisory Committee

Airport Facilitation Committee

ORGANISATION CHART OF THE GOVERNMENT OF MONTSERRAT

APPENDIX A



NOVEMBER 1984

CARIBBEAN COMMUNITY - CARICOM

Formed by the Treaty of Chaguaramas, in 1973 as a
movement towards unity in the Caribbean

MEMBERS

ANTIGUA	DOMINICA	MONTSERRAT
BAHAMAS	GRENADA	ST. KITTS/NEVIS/ANGUILLA
BARBADOS	GUYANA	ST. LUCIA
BELIZE	JAMAICA	ST. VINCENT/GRENADINES
		TRINIDAD & TOBAGO

The first four members, who signed the Treaty on July 4, 1973, were Barbados, Guyana, Jamaica and Trinidad & Tobago, and the Community thus came into being in August, 1973.

Belize, Dominica, Grenada, Montserrat, St. Lucia and St. Vincent & the Grenadines became members in May, 1974, Antigua on July 5, 1974 and St. Kitts/Nevis/Anguilla on July 26, 1974.

ORGANISATION

Caribbean Community

The Community has three main areas of activity: Economic Integration, by means of the Common Market, replacing and extending the work of the former Caribbean Free Trade Association, CARIFTA: co-operation apart from the economic sphere, and the operation of certain common services and the co-ordination of foreign policies of the Member States.

Caribbean Common Market

Provides for the establishment of a common external tariff and a common protective policy for the Community's trade with outside countries and the adoption of a scheme for the harmonisation of fiscal incentives to industry, double taxation arrangements, co-ordination of economic policies and development planning, and a special regime for the Less Developed Countries of the Community.

Heads of Government Conference

The final authority of the Community and the Common Market, the Conference determines the policy of the Community. It is responsible for the conclusion of treaties on behalf of the Community and for entering into relationships between the Community and International organisations and states. The Conference also makes the financial arrangements to meet the expenses of the Community. Decisions are generally taken unanimously.

Common Market Council

Consists of a Minister of Government designated by each member state. Responsible for the development and smooth running of the Common Market, and for the settlement of any problems arising out of its functioning. However, the Conference may issue directives to the Council. The Council generally takes decisions unanimously.

The two chief divisions are: (1) Trade and Integration, and (2) General Services and Administration. There is a Trade and Information section, an Education and Cultural section, a Customs Policy section, a Health section, a Finance and Administration section, a Sectoral Policy section, an Economic Research and Policy section, a Statistics section, a Commodities section, an Information and Public Relations section and a Conference and Documentation section; other expert staff are Legal Counsel, Tax Administration Adviser, Company Law Adviser and Industrial Relations Adviser.

Institutions of the Community, established by the Heads of Government Conference are: Conference of Ministers responsible for Health, Standing Committees of Ministers responsible for Education, Industry, Labour, Foreign Affairs, Finance, Agriculture and Mines.

Under the Treaty, the following bodies are made into associate institutions of the Community, in collaboration with the principal Ministerial Committees of the Heads of Government Conference:

Caribbean Development Bank (CDB)
Caribbean Examinations Council (CXC)
Council of Legal Education
Caribbean Meteorological Organisation
West Indies Shipping Corporation (WISCO)
University of Guyana (UG)
University of the West Indies (UWI)

80

ORGANISATION OF EASTERN CARIBBEAN STATES (OECS)

APPENDIX B - (2)

ORGANISATION OF EASTERN CARIBBEAN STATES (OECS)

MEMBERSHIP

Full membership of the Organisation shall be open to those countries which immediately prior to the establishment of the Organisation have been members of the West Indies (Associated States) Council of Ministers, namely:

- (a) Antigua
- (b) Dominica
- (c) Grenada
- (d) Montserrat
- (e) St. Kitts/Nevis
- (f) St. Lucia
- (g) St. Vincent & the Grenadines

The independent States listed in the preceding paragraph, the Governments of which sign and ratify this Treaty in accordance with Article 20 thereof, shall immediately become full members (hereinafter referred to as **'The Member States'**) of the Organisation.

Notwithstanding that a territory or group of territories listed in Paragraph 1 of this Article is not a sovereign independent State, the Heads of Government of the Member States of the Organisation (hereinafter referred to as **'The Authority'**) may by an unanimous decision admit such territory or group of territories as a full member of the organisation and such territory or group of territories shall thereby qualify as a Member State under this Treaty.

Any other States or territories in the Caribbean region may apply to become Full or Associate Members and shall be admitted as such by an unanimous decision of the Authority. The nature and extent of the rights and obligations of Associate Members shall be determined by the Authority.

PURPOSES AND FUNCTIONS OF THE ORGANISATION

The major purposes of the Organisation shall be:

- (a) to promote co-operation among the Member States and at the regional and international levels having due regard to the Treaty establishing the Caribbean Community and the Charter of the United Nations;
- (b) to promote unity and solidarity among the Member States and to defend their sovereignty, territorial integrity and independence;

- (c) to assist the Member States in the realisation of their obligations and responsibilities to the international community with due regard to the role of international law as a standard of conduct in their relationship;
- (d) to seek to achieve the fullest possible harmonisation of foreign policy among the Member States; to seek to adopt as far as possible, common positions on international issues and to establish and maintain wherever possible, arrangements for joint overseas representation and/or common services;
- (e) to promote economic integration among the Member States through the provisions of the Agreement Establishing the East Caribbean Common Market; and
- (f) to pursue the said purposes through its respective institutions by discussion of questions of common concern and by agreement and common action.

To this end the Member States will endeavour to co-ordinate, harmonise and pursue joint policies particularly in the fields of:

- (a) External Relations including overseas representation;
- (b) Internal Trade Agreements and other External Economic Relations;
- (c) Financial and Technical Assistance from external sources;
- (d) International Marketing of Goods and Services including Tourism;
- (e) External Transportation and Communications including Civil Aviation;
- (f) Economic Integration among the Member States through the provisions of the Agreement Establishing the East Caribbean Common Market;
- (g) Matters relating to the sea and its resources;
- (h) The Judiciary;
- (i) Currency and Central Banking;
- (j) Audit;
- (k) Statistics;
- (l) Income Tax Administration;
- (m) Customs and excise Administration;
- (n) Tertiary Education including University;
- (o) Training in Public Administration and Management;
- (p) Scientific, Technical and Cultural Co-operation;
- (q) Mutual Defence and Security; and
- (r) Such other activities calculated to further the purposes of the Organisation as the Member States may from time to time decide.

GENERAL UNDERTAKING AS TO IMPLEMENTATION

Member States shall take all appropriate measures, whether general or particular, to ensure the carrying out of obligations arising out of this Treaty or resulting from decisions taken by the institutions of the Organisation.

ORGANISATION OF EASTERN CARIBBEAN STATES (OECS)

APPENDIX B - (2)

ORGANISATION OF EASTERN CARIBBEAN STATES (OECS)

MEMBERSHIP

Full membership of the Organisation shall be open to those countries which immediately prior to the establishment of the Organisation have been members of the West Indies (Associated States) Council of Ministers, namely:

- (a) Antigua
- (b) Dominica
- (c) Grenada
- (d) Montserrat
- (e) St. Kitts/Nevis
- (f) St. Lucia
- (g) St. Vincent & the Grenadines

The independent States listed in the preceding paragraph, the Governments of which sign and ratify this Treaty in accordance with Article 20 thereof, shall immediately become full members (hereinafter referred to as **The Member States**) of the Organisation.

Notwithstanding that a territory or group of territories listed in Paragraph 1 of this Article is not a sovereign independent State, the Heads of Government of the Member States of the Organisation (hereinafter referred to as **The Authority**) may by an unanimous decision admit such territory or group of territories as a full member of the organisation and such territory or group of territories shall thereby qualify as a Member State under this Treaty.

Any other States or territories in the Caribbean region may apply to become Full or Associate Members and shall be admitted as such by an unanimous decision of the Authority. The nature and extent of the rights and obligations of Associate Members shall be determined by the Authority.

PURPOSES AND FUNCTIONS OF THE ORGANISATION

The major purposes of the Organisation shall be:

- (a) to promote co-operation among the Member States and at the regional and international levels having due regard to the Treaty establishing the Caribbean Community and the Charter of the United Nations;
- (b) to promote unity and solidarity among the Member States and to defend their sovereignty, territorial integrity and independence;

- (c) to assist the Member States in the realisation of their obligations and responsibilities to the international community with due regard to the role of international law as a standard of conduct in their relationship;
- (d) to seek to achieve the fullest possible harmonisation of foreign policy among the Member States; to seek to adopt as far as possible, common positions on international issues and to establish and maintain wherever possible, arrangements for joint overseas representation and/or common services;
- (e) to promote economic integration among the Member States through the provisions of the Agreement Establishing the East Caribbean Common Market; and
- (f) to pursue the said purposes through its respective institutions by discussion of questions of common concern and by agreement and common action.

To this end the Member States will endeavour to co-ordinate, harmonise and pursue joint policies particularly in the fields of:

- (a) External Relations including overseas representation;
- (b) Internal Trade Agreements and other External Economic Relations;
- (c) Financial and Technical Assistance from external sources;
- (d) International Marketing of Goods and Services including Tourism;
- (e) External Transportation and Communications including Civil Aviation;
- (f) Economic Integration among the Member States through the provisions of the Agreement Establishing the East Caribbean Common Market;
- (g) Matters relating to the sea and its resources;
- (h) The Judiciary;
- (i) Currency and Central Banking;
- (j) Audit;
- (k) Statistics;
- (l) Income Tax Administration;
- (m) Customs and excise Administration;
- (n) Tertiary Education including University;
- (o) Training in Public Administration and Management;
- (p) Scientific, Technical and Cultural Co-operation;
- (q) Mutual Defence and Security; and
- (r) Such other activities calculated to further the purposes of the Organisation as the Member States may from time to time decide.

GENERAL UNDERTAKING AS TO IMPLEMENTATION

Member States shall take all appropriate measures, whether general or particular, to ensure the carrying out of obligations arising out of this Treaty or resulting from decisions taken by the institutions of the Organisation.

INSTITUTIONS OF THE ORGANISATION

- (a) The Authority of Heads of Government of the Member States of the Organisation (referred to in this Treaty as the The Authority)
- (b) The Foreign Affairs Committee;
- (c) The Defence and Security Committee;
- (d) The Economic Affairs Committee; and
- (e) The Central Secretariat.

ARTICLES 6-10	Describe the composition and functions of the Institutions set out in Article 5
ARTICLE 13	Permits that there shall be a budget of this Organisation to be authorised by the Authority and supported by annual contributions of the member states.
ARTICLE 14	Deals with the procedure for the settlement of disputes either by direct agreement or conciliation.

The organisation is committed to establishing such relations with other international organisations and other countries as may facilitate the attainment of its purposes.

★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★

THE CARIBBEAN CENTRE FOR DEVELOPMENT ADMINISTRATION (CARICAD)

1. INTRODUCTION

The Caribbean Centre for Development Administration (CARICAD) is a regional Organisation established as a result of a decision of the Caribbean Heads of Government in 1975.

It is provided with the mandate to undertake efforts to improve the Administrative/Management capability of each country and to assist, through the formulation and implementation of programmes, in the social and economic development of the English-speaking Caribbean.

2. MEMBER COUNTRIES

The Centre actively serves the following countries:

ANTIGUA/BARBUDA	DOMINICA	REPUBLIC OF GUYANA
BAHAMAS	GRENADA	ST.KITTS/NEVIS
BARBADOS	JAMAICA	ST. LUCIA
BELIZE	MONTSERRAT	ST.VINCENT & THE GRENADINES

The following countries are expected to accede to the Agreement shortly:

THE TURKS AND CAICOS ISLANDS and THE BRITISH VIRGIN ISLANDS

3. THE ROLE AND MISSION

The role and mission of CARICAD is to provide the opportunity for member countries in the Commonwealth Caribbean to improve their managerial performance and strengthen their systems of public Administration in order to support the current social and economic development thrust within the region.

4. OBJECTIVES

Within the frame-work of its role and mission, CARICAD has the following objectives:

- (a) To provide consultancy services to public agencies.
- (b) To conduct systematic action research within and outside of the region for new approaches to apply to the process of training and Administrative Reform.
- (c) To provide a mechanism for better cooperation and co-ordination in the region between National and Regional Training Centres on the one hand and among Regional Training Centres on the other for the purposes of Training and Administrative Reform.
- (d) To generate Management Development Training programmes geared to priority management problems of member countries.
- (e) To strengthen National Training Units.
- (f) To collaborate with governments in designing and implementing programmes of administrative reform.

- (g) To design, document and distribute relevant materials to inform training and administrative reform.

5. THE APPROACH

CARICAD is deliberately designed to draw on the services of resource personnel from within the region as well as from outside. As a result it depends heavily on its list of Associates to implement its various programmes.

The Centre also works through a **Total Planned Systems Change Approach** which is critical and essential if meaningful impact is to be made on public administration/management in the region.

The Approach has been developed in the light of experience gained from working throughout the region and through indepth discussions with the political and managerial directorate in the region.

In addition to this Approach, the Centre utilises a methodology which embraces a collaborative and integrated approach of Action Research/Consultancy/Development of Resource Materials/Training/Administrative Reform.

All Correspondence addressed to:

The Executive Director
Caribbean Centre for Development
Administration (CARICAD)
No. 27 Block C
The Garrison
St. Michael
BARBADOS, WEST INDIES
Tel: 809-427-8536
Cable: CADCAR

★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★

MONTSERRAT - WEST INDIES

M E M O R A N D U M

DATE: 1988-10-29
TO: Permanent Secretaries and Heads of Departments
FROM: Permanent Secretary, Department of Administration

REF: 110/1/1

SUBJECT: WEEKLY PAID EMPLOYEES: DISCIPLINE

1. There have been several cases recently which have shown that some uncertainty still exists concerning the taking of disciplinary action in respect of weekly paid employees. For the sake of clarification the rules which are to be applied are hereby brought to your attention with the request that you should discuss their application with all members of your supervisory staff.
2. An Employing Officer (i.e. an Officer designated by his Accounting Officer as being responsible for the supervision of employees) may take disciplinary action against an employee in the following circumstances:
 - (a) Where he is guilty of gross misconduct in the course of his duties;
 - (b) For wilful disobedience to lawful orders given by a superior Officer;
 - (c) For lack of the skill which the employee expressly or implicitly claims he possesses, continuous tardiness or absenteeism;
 - (d) For habitual or substantial neglect of duties;
 - (e) For drunkenness of a kind liable to have a serious effect upon his work, or for assault or other improper behaviour which may lead to criminal proceedings.
3. Where an Employing Officer considers that disciplinary action is necessary he shall follow the procedure detailed below:
 - (a) He shall inform the employee of his shortcomings and give him the opportunity to submit an explanation for his conduct;
 - (b) If he considers that the employee has not given a satisfactory explanation, he may take one or more of the following courses of action:
 - (i) Suspend him from duty pending further investigation of the circumstances of the case;
 - (ii) Warn him as to his future conduct and record the incident with his record card;
 - (iii) Give him a reprimand in writing retaining a copy with the record card;
 - (iv) Demote him where he holds a supervisory post;

FUNCTION IV - Directing (leading): Bringing about the human activity required to accomplish objectives.

1. **Assigning:** Charging individual employees with job responsibilities or specific tasks to be performed.
2. **Motivating:** Influencing people to perform in a desired manner.
3. **Communicating:** Achieving effective flow of ideas and information in all desired directions.
4. **Co-ordinating:** Achieving harmony of group effort toward the accomplishment of individual and group objectives.

FUNCTION V - Controlling: Ensuring the effective accomplishment of objectives.

1. **Establishing standards:** Devising a gauge of successful performance in achieving objectives.
2. **Measuring performance:** Assessing actual versus planned performance.
3. **Taking corrective action:** Bringing about performance improvement toward objectives.

★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★

POSTSCRIPT

"Reading maketh a full man." - Bacon

This Handbook was conceived as a guide to administrative procedures and the relationships of authorities within the public services of Montserrat. It is therefore based on the fact that a sound knowledge of the constitution, the distribution of responsibilities and their coordination and also of the laws which govern the various activities of the government and the public services is essential for its middle and senior managers. It accepts the fact too, that situations will change and that institutions and procedures will therefore have to be adjusted from time to time.

The point, however, which has to be emphasised when this body of information has been mastered is that public officers at middle and senior levels also have to cultivate certain attitudes, skills and knowledge in order to achieve success in managing public business. Some of these attributes will be held in common with managers in the private sector but there will be some which will be peculiar to the public sector because of the fact that an action or decision of a government or one of its officers is equally applicable to every individual in the community.

The literature of the theory and practice of public management is abundant and varied. Much of it is repetitive, some of it may appear to be nothing but attempts to find new ways to say old and simple truths and some of it represents the anxious or ambitious search for new prescriptions. The appended reading list is intended to provide a safe passage or rather a first, exploratory journey through the maze of books and periodicals. These texts have been selected, not merely because they are likely to be readily found, but also because of their potential as subject matter for discussion groups.

★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★

READING LIST

1. Exodus 18 vs 13 - 26:
Jethro, father-in-law of Moses, is one of the earliest Management Consultants. His theme is delegation and how to make it effective.
2. Civil Service Department (UK): *Guide for New Managers H.M.S.O. 1975.*
In 36 pages of concentrated matter it covers: (1) Planning (2) Organising (3) Working with people and (4) Controlling. Attention too should be paid to the Appendices which cover: A) Handover Checklist; B) Dealing with the Public; and C) Thinking critically about the Work.
3. Blanchard & Jordan: *The One-Minute Manager - Berkley Books, N.Y.*
This is a short, readable and challenging guide to one-minute goal-setting, one-minute praises and one-minute reprimands.
4. Roger Oldcorn: *Management, a fresh approach, Pan Breakthrough Books.*
The first chapter - Who are the Managers and what do they do? - leads the reader to a clear appreciation of his tasks.
5. Desmond Keeling: *Management in Government - Allen & Unwin for R.I.P.A.*
By identifying and analysing various systems which are described as administration, management and diplomatic, Keeling throws light on the nature of the Public Service and its attitude to the use of resources.
6. Peter Drucker: *The Effective Executive - Pan Books*
Over the past 25-30 years, Drucker has made an outstanding contribution to the study and practice of management. Other Drucker books are available from Pan Books.
7. Rosemary Stuart: *The Reality of Organisations - Pan Books*
As in her other books - 1) The Reality of Management and 2) How Computers Affect Management - Stuart helps the manager to understand his problems and to know what are the advantages and disadvantages of different ways of dealing with them.
8. The Open University: *Public Administration. Open U.P.*
Block I : The Study of Public Administration
Block II : Approaches to the study of Public Administration
Block III : Undertaking enquiries
Block IV : Other approaches and Conclusion
9. McMahon, Barton & Piot: *On Being in Charge - W.H.O.*
The examples and cases are drawn from the health service but nevertheless managers and supervisors in other services will all benefit from the clear exposition of the principles of Planning, Implementation and Evaluation (PIE) as well as from its straight-forward teaching on leadership, organising, controlling and managing equipment, supplies, money, time, space and paperwork.
10. Gowers/Fraser: *The Complete Plain Words - H.M.S.O.*
Delving into this book from time to time will encourage and help its owner to gain accuracy and mastery in the use of English.

11. Roget's Thesaurus - *Penguin*
12. The Nuttall Dictionary of English Synonyms and Antonyms - *Warne*

★★★★★★★★★★★★

